# The Snare is broken.

## Wherein is proved by Scripture, Law and Reason, that the NATIONALL COVENANT and OATH was unlawfully given and taken: And whatsoever may be probably pretended or objected for it, is fully answered, and refuted.

HERE ALSO

Is vindicated the PARLIAMENTS later proceedings: Shewing the Grounds and *Principles* of the LONDON MINISTERS to be weak and unsound, and so their Accusations and Charges against the State, false and scandalous.

Moreover something is said Against *Violence in Religion*, and the duty of the Civill Magistrate about *Worship* and *Church-Government*.

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*By* JOHN CANNE.

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1 Sam. 15. 22, 23.

*Hath the Lord as great delight in burnt-offerings and sacrifices, as in obeying the voice of the Lord? Behold, to obey is better then sacrifice: and to hearken, then the fat of rammes.*

*For rebellion is as the sin of witchcraft, and stubbornesse is as iniquitie and idolatry.*

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# To the Right Honourable the COMMONS of *England* Assembled in *Parliament*.

SIRS,

*Have observed the severall* Actings *of some men against you: so I have endeavoured to find out the rise and ground of their evil working to blast and dishonor your lawfull and good proceedings. With* one particular *I have here dealt, and done you and the Nation (I hope) some good service in it: and (by the good hand of God assisting me) the rest shall speedily follow. For it would be a great shame and dishonour to the* well affected partie, *if they should not manifest as much zeal to God, thankfulnesse and love towards you, by letting the people see the justnesse of your Administrations: as ill men, and disaffected, are studious and diligent to make You and your well-deserving services odious and distastfull to the Nation. The truth is, the desire of the upright and meek ones every where, and their fervent prayer daily poured forth to God, is, that seeing many do* watch for your halting, *the Lord in mercy will be pleased, so to direct, guide and counsell You, as You may* cut off occasion from them that desire occasion, *and* all iniquitie may stop her mouth.

*For the* Nationall Covenant *which is the subject of this Discourse: I have onely one request to move unto You about it. How You are traduced and vilely abused by some mens loose tongues and pens, for not advancing it more, and more pressing the keeping, in their sense, I need not speak of it, You know it too well: And therefore I humbly conceive seeing it is here manifestly proved, that the* Oath *was unlawfully given and taken, and so not binding the Conscience, neither to be kept, there is great cause and reason that the whole Kingdom from your House should publickly understand so much: For so doing, God shall have much glory by mens repenting of it, You cleared from many foul aspersions, many treacherous and dangerous designes prevented, and such as have not taken it, preserved from the snare thereof.*

*You know well enough, and are very sensible, what a stir is kept, what a controversie and adoe there is made, between partie and partie, Kingdom and Kingdom about this* * Nothing, *every side justifies it self, and chargeth the other with a breach: And without doubt the contention about this* Covenant *will continue, yea I fear rise higher, and break out into a greater flame, if the right way be not wisely taken: for so long as the lawfulnesse of the Oath is not questioned, but rather a pleading for the keeping of it, the differences can never be reconciled or taken up: But if the other way (which is Gods way and so to follow him) be practised, there is reason to hope that a blessing and much good will speedily follow.*

* Some have compared the Covenant to an *old Almanack* out of date but it was never in date: not good the first yeer when it was made.

I am the more encouraged to speak thus unto you, because among other abuses reformed, You have [a] lately (and very well) done some thing this way. But under favour this Oath being National and more prejudiciall, it should therefore be rather minded, and something the more done in it, to remove so great an evill and crying sin from and off the Land.

You have formerly declared and still do, that your House and heart shall be ever open to receive and hear Petitions: Gentlemen my Addresse here to you is for God, for Christ, for Souls: and if ye hear me, ye fulfil my joy.

It is said of one Terentius a great Commander under Valens an Arrian Emperour, being returned from Armenia with a mighty victory, [b] the Emperour bid him ask what he would for a reward of his service: Whereupon he desired, that the Orthodox Christians might have a publick place in the City of Antioch to meet in, for the worship and service of God: the Emperor displeased hereat rent the Petition, and cast it to the ground, wishing him to ask some other thing. Terentius first gathered up the pieces, then afterward replyed: I would (saith he) have accepted this as a full reward, but being denyed I shall desire no other thing. I have no fear nor cause to fear, that this Petition of mine shall be denyed: But if it should, and lye torn and scattered in Your House, and I were bid to ask some thing for my self, I would even take up the pieces & be silent: & not speak there for my self, where I could not be heard for my God. But howsoever it be, this shall be my comfort, I have herein discharged my duty, and quitted my self from the guilt of blood.

Neither let the weaknesse, meannesse, unworthinesse, or what else may be applyed to your Petitioner be any cause that You should the lesse respect the matter which is not his but Christs. Great wise men in times past have not disdained to follow the advice of simple men. It is reported of Zenophon, that he [c] gave order to his Attendants to awake him if he were asleep, whensoever any one brought him news: and he would never refuse to hear the counsell of any private Souldier. And of Marius it is said, [d] that taking the advise of a common Souldier, he won a strong Castle in Numidia. Whereas on the contrary, Charles the last Duke of Burgundie [e] refusing to hear a prisoner, and doing all things upon his own head, without admitting any relation or counsel of others, fell into the traps of Campobachos treason, was defeated by the Switzers, and by them miserably slain at Nancy.

For conclusion, were I not confident and most certain of the truth by me here asserted, I should not dust have moved this matter to You with so much boldnesse: and for the proof I refer You to the Arguments and Reasons in the Treatise: and so I rest, and am

Bowe, April 21. 1649.

Yours, to serve You in and for the Truth:

John Canne.

[a] In the Oath ministred to the present Lord Mayor.

[b] Theod. li. 4. c 32. hist. Ecc.

[c] Zenoph. Expeded. Cyr. 3. & Cyr. 4.

[d] Salust. bell. Iugurth.

[e] Philip. Comin. li. 7.

# The Snare is broken.

## Wherein is proved,

That the Covenant-oath was unlawfully imposed and taken, and not to be kept, as binding the Conscience.

IT is a saying of a *Solomon*, *There is a way which seemeth right unto a man; but the end thereof are the wayes of death.* That the *Covenant* given and taken through the two Kingdoms, hath seemed unto many a way right, lawfull, religious, 'tis granted on all sides: the thing therefore which I have undertaken (and by the good hand of God assisting me) shall fully and clearly prove, is, that the same, is *the way of death*: a *Covenant* contrary to Religion, Law and Reason.

a Pro. 14. 12.

And first to begin with the generall definition of an Oath, which according to b Divines, is *a religious and necessary attestation of Gods holy Name, whereby we invocate him as a witnesse to confirm the truth of our speech, and as a Judge if we speak falsly.* And c *Aristotle*, and d *Cicero* speak to the same effect, defining an Oath, to be *A religious attestation, taking God to witnesse.*

b Alsted. Theol. cas. c 15. Quest. 2.

c Arist. in Rhetor. ad Alex. c. 18.

d Cic. l. 3. offic.

It is said to be *A religious attestation*, because an Oath is e part of Gods worship: That the *Covenant-oath* was not so, is apparent. For, 1. It is an enemie to Gods worship and true Religion; under the name of *heresie* and *schisme*, a meer deligne to stop the passage of many precious truths, and to hinder the Saints from Church-fellowship, and walking in the faith and order of the Gospel.

e Deut. 6. 13. & 10. 20. Psal. 63. 12.

2. It cannot be religious, because it contains a contradiction, and so enforceth the taker, necessarily to be a *Covenant-breaker* one way or other. In the *third Article* he swears

ſwears to preſerve *the Kings Majeſties Perſon and Authority*, &c. here (as it is generally interpreted) the Covenanter promiſeth not to touch the perſon of the King, as to have him corporally puniſhed, ſhould he be the greateſt Tyrant, Traitor, Murderer upon the face of the earth. Yet a little after he ſwears he will *endeavour that* ALL SUCH *as ſhall be Incendiaries, Maliguants, and evill inſtruments, may be brought to publick tryall, and receive condigne puniſhment*, &c. here neither King, Queen, Prince, &c. are exempted, but whoſoever ſhall ſhew himſelf an Incendiary to the publick peace, and ſafetie of the two Kingdoms, he will endeavour to have him puniſhed, as the degree of their offence ſhall require or deſerve. That rule is well known, [f] *Impoſſibile eſt duo contradictiora vere reddi de eodem.* Thus he is *ſnared by the tranſgreſſion of his lips*; and whiles he ſhuns one rock, he makes ſhipwrack upon another.

f Ariſtot. de Interp. l. 2. c. 2.

3. It cannot be a religious action to [g] *put a ſtumbling block before the blinde*; and [h] *to cauſe the righteous to go aſtray in an evill way*. But this Covenant doth ſo, and thus I prove it.

g Lev. 19. 14.
h Pro. 28. 10.

1. When the Covenant was commanded to be taken through the Kingdom, the people generally held (and for the moſt part do ſtill) that *the Government by Archbiſhops and Biſhops* was lawfull: and therefore to be required, yea forced to ſwear with their hands lift up to heaven, that they will *endeavour the extirpation of Prelacie*, howbeit at the ſame time it was well known, they thought it a lawfull and good government: it was an hard caſe, and ſhewed little pitie. The [i] Law ſaith, *Pactum ſi tolletur jus publicum tunc non valet, etiam ſi fuerit juramento confirmatum*: A Covenant if it take away publick right it cannot ſtand, yea though it be confirmed with oath. For my part I know not in what particular *a free people* may more groundedly and properly challenge *publick right* then in matters of Religion: and therefore *quo jure*, by what power may their *Repreſentatives* require them, and that by oath, to change one form of government for another, untill they be informed touching the lawfulneſſe of ſuch a change.

i Digeſt. l. 2. Tit. 14 de pactis; Cicero, l. 3

2. No leſſe was it a ſnare to many poore ſouls, who muſt

ſwear

ſwear that they will *really and conſtantly endeavour the preſervation of the doctrine, worſhip, diſcipline and government in the Church of Scotland*: but what theſe things were, poore wretches they knew not: not good they thought, becauſe contrary to their preſent practice. *Ea certo oportet eſſe cognita & perſpecta*, ſay the k *Leiden Profeſſors*: What men ſwear to, they muſt have a certain, full and clear knowledge of: not to vow, and afterward make inquirie. Obſerve the late m Kings Speech (if that book be his) *I am prone* (ſaith he) *to beleeve and hope, that many who took the Covenant are yet firm to this judgement, that ſuch later Vows, Oaths and Leagues can never blot out theſe former gravings and characters which by juſt and lawfull oaths were made upon their ſouls.* He takes it as granted, that many when they ſwore againſt *Prelacie*, and for *Presbyterie*, it was againſt their Conſcience, and ſo not binding.

k Synopſis pri diſp. 20. p. 220.
l Pro. 20, 25.
m Pourtract. pa. 78.

3. To what uſe are theſe words in the *Covenant, viz: Schiſme and hereſie?* but another ſnare to deceive the ſimple, and ſuppreſſe the godly. It was decreed in a certain Generall Councell held at *Rome* under n *Innocent the third*, in the yeer 1215. *that no Heretick ſhould be choſen King*: confirmed before under o *Theodſius* the younger, *Valentinian the third*, and *Martian*; and afterward recited by p *Juſtinian the firſt*, in the firſt *Councell of Conſtantinople* inſerted in his laſt *Code*. But mark the *myſtery of iniquitie*, who muſt define hereſie, and judge who is an heretick: this is the Popes work alone. We beleeve, ſaith q *Gretzer, the judgement of him who ſucceeds Peter in the Chair, Non ſecus ac olim Petri infallibile*, to be *no otherwiſe then the Judgement of Peter was. Who reject the Popes judgement in a cauſe of faith, are Hereticks*, ſaith *Canus*. Now the like is this Covenant for all the world: firſt an oath muſt be taken for the *extirpation of hereſie and ſchiſme*, not that it is determined what is hereſie or ſchiſme, or that the Covenanter ſhall know before hand what is meant by it: but being blindly brought into the pit, then come our *Brethren of Scotland* with a cathedrall infallibilitie in defining cauſes of faith, and tell him that *Browniſts, Anabaptiſts, Independants* with others, ſuch and ſuch are intended:

n 3 Volum: Conc. cop Excommu: de hæret.
o 2 Volum: Conc. F. 136. 2. 15. 216. 530.
p L. Manich. l. quicunq: in l. fine. C. de hæret.
q Def c. 3. l 4. de Rom. Pont. Sect. tertius.
r Lib 3. de verb Dei. c. 8. Sect. Excutimus.

tended: And howsoever he be not able to apprehend either heresie or schisme in them, yet he must judge them hereticks and schismaticks, for that he hath taken the Covenant, and our brethren say they are so.

We shall in the second place consider the ends of an oath: Now men swear unlawfully, when in taking an oath they do not respect, 1. Gods glory: 2. their own good: and 3. the good of their neighbours.

First for Gods glory: it could not by the generality of people in this Kingdom possibly be aymed at. 1. Because as [f] *Rivet:* truly saith, *Nemo juramento cogi debet ad aliquid inique perpetrandum.* No man ought to be constrained by oath to do any thing unjustly: his reason is, *Quia obedientia erga divina mandata (quæ inter se nunquam pugnant) omnibus est præferenda:* Because obedience to Gods Commandments (which never disagree amongst themselves) is to be preferred *before all things.* Now the Law saith, [t] *He that sheddeth mans blood, by man shall his blood be shed.* [u] *Ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall surely be put to death.* [x] *Thine eye shall not pitie him,* &c. To covenant therefore to preserve the Kings Person, that is, to swear he should not be put to death, though a murderer, &c. it was an oath against a divine precept, and so not binding, neither was there a due respect had unto Gods glory.

f Explicat. decalog. 3. præc. p. 90.

t Gen. 9. 6.

u Num. 35. 31.

x Deut. 19. 13

2. [y] *Whatsoever is not of faith is sin,* and consequently tends not to Gods glory. But those who swore to things either doubtingly, or ignorantly, or forced through fear to escape bodily punishment, or to enjoy their calling, estates, credit, places, &c. could not swear in faith; But this was the condition of the people every where, and cannot be denyed. As one [a] saith, *Verior ne statim in perjurus efficiatur, qui Monachum profitetur.* So there was cause enough to beleeve, that when this Nation swore against the Government by Archbishops and Bishops, they forswore themselves, I mean the greatest number both Priests and people, as doing a thing against their Conscience, and never meant to keep the oath if they could otherwise choose. And to make this good,

y Rom. 14. 23.

a Iohan. Bapt. Foleng in Pla. 64. pa. 236.

mark

mark a passage in Mr. b *Hendersons* Sermon before the *House of Commons*. *It feareth me* (saith he) *that a great part of the people of this Land are still fond of a formall Service, and a prond Prelacie.*

b Decemb 27. 1643. pa. 18.

3. Men have respect then unto Gods glory, when they do lawfull and just actions: and can shew Gospel precepts and presidents for the justification thereof: For as c *Hosti-nian* rightly saith, *Non statim omnia quæ pio animo & bono zelo instituuntur, & absq; omni inquisitione recipienda sunt.* We may not presently receive all things which are instituted with a godly minde and good zeal, without any examination. So we should be like little children, put everie thing to the mouth which is given into the hand. What the Composers and Imposers of the Covenant at first intended, I shall not here touch upon, but this I affirm, and will stand to it, the same had never any Scripture bottome: policie perhaps it had: but pietie not: And for the Covenant and Oath which some fetch from *Asa, Josiah, Nehemiah*, &c. it holds not forth any thing either for matter or manner to prove the lawfulnesse of this Covenant. *Similibus similia convenire consentaneum est*, saith the *Logician*. But except it be in name, as that is called a Covenant, and so this, there is no proportion or likenesse between them, as relating either to persons or things.

c Fest. Christ. ca. 3 pa. 14.

2. It is against the true end of a lawfull Oath, when a man respects not his own good, specially not the good of his soul: But what *good* could any man imagine he did to his soul, whilest he was swearing to the particulars in that Covenant. For instance: 1. Touching the *Scots Church discipline*, when the swearer knew not what it was; or if he did, yet thought it not to be lawfull: or if lawfull, yet saw no reason or just cause for him to swear to endeavour the preservation of it, was such a course profitable for his soul? 2. When any worship or form of Church Government is setled in a Land by Authoritie, and the people by oath have received it, howsoever I grant the State may remove the same: nevertheless to require an oath of the people for to reject it, untill they themselves do see the thing unlawfull,

and

and are willing to take it, there is no warrant in Scripture for it. d *Beza* confesseth (although no friend to liberty of conscience, yet) *That God never gave power to man for imposing Laws upon the Conscience, nor can endure that any besides himself should bear sway or dominion over the minds of men.* Now if this be not to impose Laws upon the Conscience, and to bear a lordly sway over the minde, *viz:* to compell men to swear against Prelacie, to which they had before many times sworn, yea, and that before they saw the thing unlawfull, or could do it of conscience, then was there never an humane law imposed upon the Conscience. 3. When the Ministers of *Aphrick* were tendered an Oath, e *Nunquid bruta irrationalia* (said they) *nos putatis ut juremus nescientes quid charta contineat?* Do ye think us such senceleſſe beasts, as that we will swear not knowing what the writing doth contain? If men had duly regarded their souls good, they would have refused the taking of the Covenant with the like answer, and upon the same ground, that is, have known first what the heresie was and schisme, that should be extirpated, before they would swear to any acting against the same. *Quod juste fit, scienter fit: quod vero injuste ignoranter*, saith f *Aristotle:* That is justly done which is done knowingly: but what ignorantly, that is done unjustly. And to say the truth, I hardly know the thing wherein the people of *England*, specially this present generation, have shewed themselves more irrationall and stupid then in this particular, for they have taken even the *Oath ex officio*, sworn to do that thing which they know not to this day what it is, nor how, or which way to act in reference to the oath which they have taken.

d De hær. a Civil. mag. punicndis.

e Victor: de persecut. vandalic.

f Topic. l. 2. c. 23.

3. It is against the end of a lawfull Oath, when men respect not the good of their neighbours. g *Rivetus* saith, *Non est servandum juramentum cujus executio cum salute publica, cum honestate, & bonis moribus pugnaret.* That Oath is not to be kept, the execution whereof fights with publick safetie, honestie and good manners. And a little after, *Si quis ergo errore deceptus, vel affectibus abreptus, aut metu victus, jurando promittit se aliquid facturum, quod vel in hæc tria, vel in unum*

g Explicat. decalog. 3 præ. pa. 90.

ex

*in tribus impingat; jurando quidem peccat, sed si juramentum servaverit, peccatum peccato addit.* If any one therefore deceived through error, or led aside through affection, or overcome through fear, promiseth by oath, that he will do something which is against these three, or any one of the three, he offends indeed by swearing; but if he keeps the Oath, he adds sin to sin.

This *Covenant* must needs be against *publick safetie*, because it occasioned a generall commotion, and set the people of the Land causlesly to destroy one another. The Presbyterian partie think themselves bound to engage against the Church and people of God, and to seek their utter ruin, under the name of *schisme* and *heresie*: the Independents taking the way of the other to be *superstitious*, conceive they have as much reason by the Covenant to oppose them: and the *Cavileers*, swearing *to preserve and defend the Kings Majesties Person*: conclude they may lawfully destroy them both. I mention not here our Brethren of *Scotland*, who challenge by the Covenant a power to settle our Church and State, and to spoil us in our persons, estates, consciences, if we refuse to conform to their rules and orders: thus is the Covenant become an *Achan*, *a troubler*, *a fire-brand* in the Nation, and serves for no other use, but to make division, keep open the breach of differences, and to strengthen the opposing parties one against another, till in the end they are quite undone on all sides. The [h] Law saith, *Contractus vel pacta contra legem prohibiti, nam sunt ipso jure nulla.* Contracts or Covenants against a prohibited Law are void by right. It is against the Law of God, Nature and Nations for any people to enter into a solemn League and Covenant to destroy their own safetie. But the wit of an Enemie could not have devised a thing more pernitious and destructive to our publick peace and safetie then the Covenant: for it is not possible that ever this Commonwealth shall be setled according to what the Parliament hath lately declared, and the Covenant duely observed; so incompatible is the one with the other.

[h] L. Non dubium C. de Ll. l. Iubemus nulli.

2. There is in the Covenant as little honestie: the late King

k Pourtract. pag. 38. k King spake true enough; *I see the Imposers of it are content to make their Covenant like Manna (not that it came from heaven as this did) agreeable to every mans pallate and relish, who will may swallow it: they admit any mens senses of it, though divers or contrary with any salvos, cautions, reservations,* &c. And as it admits of equivocation and mentall reservation, so corrupt men and hypocrites have libertie enough there granted, to carrie forth their designes and private interests, in deceiving and wronging others. l *The Temple of the Lord, the Temple of the Lord,* was the cry of the hypocriticall Jews in the Prophets time. And when *Hambleton* brought the *Scots* into this Kingdom, to steal, murder, and commit adulterie, did they not then trust in lying words, saying, *The Covenant, the Covenant?* m *Venena non dantur, nisi melle circumlita, & vitia non decipiunt, nisi sub specie, umbraque virtutum:* Poyson is not given but mixed with honey; and vices deceive not but under a shew and pretence of vertue. The Covenant indeed is a prettie cloak to cover any knaverie, villanie, treacherie; and if our Brethren shall once more attempt to oppresse the stranger, the fatherlesse, and the widow, and shed innocent blood in this Land: I make no question but they will pretend to do all this by vertue of the Covenant: who is ignorant of rebellion and treason frequently taught in City and Countrey, and the people provoked to a new war, Authoritie despised, Magistracie contemned, lawfull and just commands of superiors rejected, and no other texts for all this but the Covenant. n *Cicero* saith, *Nihil honestum esse potest, quod justitia vacet.* If it be according to justice, that men shall shed innocent blood, rob their neighbours, and for Subjects to despise dominion, and speak evill of dignities, make insurrections and mutinies in the Common-wealth, presse the Magistrates to persecute the Saints, and suppresse the truth, then hath the Covenant honestie in it, otherwise it is a most dishonest thing, if it be understood as the Presbyterian Scots and English give their sense and interpretation of it.

l Ier. 7. 4. 9.

m Ambrose in li de Virg.

n Offic l. 3.

From the *definition* of an Oath and *ends*, we come next to the properties, which are three, layd down by the Prophet:

phet. *Thou shalt swear, the Lord liveth in truth, in judgement,* o Ier. 4. 2.
*and in righteousnesse.* First *in truth*, which is, that the speech agree with the thing, and the minde with the speech: so that we swear unlawfully when we swear a thing that is false or falsly: a thing false when we swear an untruth, the speech disagreeing with the thing: falsly when as we swear the truth but deceitfully, when we purpose to deceive, the heart and tongue not agreeing together.

1. It was a false thing, when the *Covenanter* swore to endeavour the *extirpation of schisme and heresie*, for howsoever not expressed so in words, yet this he vowed to do, that he would persecute the godly, and not suffer them peaceably to worship the Lord. p *Pareus* commenting on these words, *They will scourge you in their synagogues*, saith, *Damnati non argumentis, aut scripturis refutabuntur: sed flagris coercebuntur*: They are condemned not with arguments, or confuted by Scriptures, but forced by whips. And quoting some examples for it, concludes, *Plurima deinceps suppeditavit historia Ecclesiastica, & hodie inquisitio Hispanica, ubi similibus argumentis doctrina Christi refutatur.* The Ecclesiasticall History shews many the like instances, and so the *Spanish Inquisition* at this day, where the doctrine of Christ is confuted with such kinde of arguments: And in truth this Covenant may be added to the number: for there is not one word in it, of confuting heresie and schisme by Scripture, the Covenant binds no man to do this: *extirpation*, that is, fining, silencing, imprisoning, banishing, and murthering the Saints, and that for the Gospels sake.

p Comment. in Mat. 10. v. 17.

But 2. be it granted the *Covenanter* is no way mistaken about *heresie and schisme*, the question then is by what Gospel precept or example he is obliged to swear, that he will pluck up these tares, and not suffer them to grow in the world untill the harvest? where hath Christ or his Apostles taught him, *to judge them that are without?* The *Italians* have a Proverb, that *whosoever runs beyond his Commission, must run the hazard of it upon his own account*. *Calvin* howsoever he wrote a whole Tract about punishing of Hereticks: yet he could not choose but acknowledge so much truth in a few

lines, as confutes the whole Treatise: for q having shewed how the holy Bishops of ancient time, did not exercise any Authoritie, in fining, Imprisoning, and civill punishment, gives his own opinion thus, that as the Church hath no power of forcing of her own, *Neque expetere debeat, de civili coercitione loquor.* Neither may she require it, I speak of the Civill Magistrate to imploy his authority in a civill way. And this r was *Bernards* opinion before him, *Fides suadenda est, non imperanda*: Faith is to be perswaded, not forced. So s *Augustine, Docendo magis quam jubendo, monendo quam minando*: Rather by teaching then commanding, by admonishing then threatning. *Amminianus* writes of *Valentinian* thus: *Hoc moderamine principatum sui inclaruisse, quod inter religionum diversitates medium steterit, nec quemquam inquietaverit, neque ut hoc aut illud coleretur imperaverit, nec interdictis minacibus subjectorum cervicem ad id, quod ipse, inclinaverit.* With this moderation his principalitie shined, that amongst diversities of Religion he stood in a mean, troubled no man, nor commanded either this or that should be worshipped, nor by threatning Edicts forced his Subjects to bow their necks to do what he himself did. What *Maximilian* would usually say, it is well known, *Nullum enormius peccatum dare posse, quam in conscientias exercere velle. Qui enim conscientiis imperare volunt, eos aream cœli invadere & plerumque terræ possessionem perdere.* And much like this, was his answer to the King of *France* returning out of *Polonia*, and threatning the *extirpation of heresie and schisme*, (meaning the *Huguenots*:) *Those* (u saith he) *who seek to rule over mens consciences, supposing to win heaven, do oft-times loose their possession on earth.* The truth is, violence in Religion, and through compulsion and fear to drive men to act things involuntarily and against their conscience, is so unnaturall, absurd, unreasonable, as the very heathen saw it to be unlawful. y *Errantem per agros ignorantiæ viæ, melius est ad rectum iter admonere quam expellere:* saith *Seneca*. A man going astray through ignorance of his way, it is better by advise to lead him into his way, then to drive him thither by force. a Again, *Ingenia nostra, ut nobiles & generosi equi, melius facili fræno reguntur.* Our wits are

q Institut li 4. c. 11. sect. 5. and 15.

r Bern. in Cant.

s Augustin. Epist. 65.

t Amminianus li. 25.

u Histor. Fr. l. 2 Hen. 3. p. 14.

y Seneca de ira

a Sen. de cle.

as

as noble and generous horses, best ordered by an easie bridle. So b another, *Purpura tua cultores aliquos efficies, non Dei:* Thou mayest cause them to be worshippers of thy purple robe, not of God. Mr. *John Owen* in a book lately come forth, saith, *Coin seems to me, to have layed the foundation of that tumult, which was afterward inserted into the Churches Orthodoxies, by name of hereticidium, we finde the foure famous Empires of the world to have drunk in this perswasion to the utmost, of suppressing all by force and violence that consented not to them in their way of worship.* And this he proves afterward in that learned discourse.

b Ex Themistii dicto apud Socrat. Eccl. hist. l. 3 c. 21.

c Discourse about Tolerat. p 53.54.

3. The hearts and tongues of many agreed not together, neither could it possibly be in most things, seeing the things to which they swore, were contrary to the minde and liking of the people every where. *Juravi lingua, mentem injuratam gero.* I have sworn against the calling of Archbishops and Bishops (might one say) but in my heart I believe their standing is lawfull and good. I have vowed and covenanted (might another say) to discover Malignants, &c. but in my heart I never purposed so to do. The like in relation to *Scotland*, could it sensibly be thought when this Nation took the *Covenant*, they regarded that *Kirk*, or really meant (as they swore) to endeavour the preservation of the discipline and worship of that Church? *Being first pressed unto it* (saith the late d King) *more to prevent that eminent violence and ruine which hung over their heads in case they wholly refused it, then for any value of it, or devotion to it.* He speaks doubtlesse the truth, it was taken to shun the odious name of being reputed otherwise malignants, enemies to the great work of Reformation, or to escape some outward danger, not religiously and in the fear of God, for the oath abounds with such ambiguous expressions, impossibilities, contradictions, and things so contrarie to the opinion of men in all places, that conscientiously in some particulars it could not be admitted by any person whatsoever.

d Pourtrait. p. 78.

And therefore no marvell, that Dr. *Burgess* howsoever the first man who e openly desired and urged a *Covenant to be entred into*, yet when he saw this Covenant was the first (as I have heard) that opposed it in the Assemblie, and for refusall,

e Serm. before the House of Commons. Nov. 17. 1640. upon Ier. 50. 5

refusall, he and Mr. *Price* were both suspended; Besides many godly men, perceiving what a snare it was, withdrew and obscured themselves for a time: It was so besmut with *selfish Interest*, so disagreeing for matter with those Covenants which we read of in Scripture, and to those qualifications which according to Gods Word ought to be in every Oath, that I have stood in admiration, it hath not been more opposed by judicious and pious men.

The second propertie of a lawfull Oath, is *to swear in judgement*, that is, considerately, as knowing the thing to be true, and most certain: for though it may be true, yet if uncertain to the swearer, he takes an unlawfull Oath. *Non temere prosiliendum esse: sed etiam atq; etiam cogitandum, quid sit jurandum: item an res ita habeant, quemadmodum dicturi sumus.* Not rashly (saith [f] *Lavaret*) but it must be considered again and again, what the Oath is, and whether the things are so as we say. So [g] *Polanus*, *Juramentum licitum est, de rebus veris, certo cognitis.* The *Romanes* had an use, that he which would swear by *Hercules*, should go forth of the doores, that he might be well advised, and take some pause before he swear. For they held that *Hercules* did swear but once in all his life, and that was to the son of King *Augeus*. *This deliberation in their idolatrous Oaths* (saith [h] *Willet*) *should admonish Christians to be well advised in swearing by the Name of God.* And now for application, here is more cause of mourning for *a sinfull Covenant*, then proving the unlawfulnesse of it in this particular.

1. It doth not appear, that the imposers of it were so religiously affected, as to have the *Oath* advisedly and understandingly taken: for surely if they had, it would not have been so ambiguously, darkly, wrappingly given forth, neither prest so hastily, but every man allowed time and means sufficient, for a clear and full satisfaction in every point. The [i] Law saith, *Turpe est sine lege loqui.* [k] Likewise, *Factum a Judice quod officium ejus non pertinet, ratum non est.* Now I demand whether it can stand with the Law of God, with pure reason, with the libertie of a free people, adde that *libertie* which Christ hath purchased for us with his

[f] In lib. Iosh. c. 2. hom. 11. p. 13.

[g] Syntag. Theol. l. 9. c. 23. p. 628.

[h] Comment. on Exo ch. 20. quæst. 4 p. 294.

[i] 1. Consideremus in aur. de triente.

[k] Ad Plausitum l. 3.

his own blood, that the civil Magistrate may require an oath of any man in a matter which he understands not, neither can speak certainly to it; and in case he refuse (not of wilfulnesse, but of conscience) whether such a one may suffer in person or estate. For,

2. Were I a Papist, and did beleeve the doctrine of *blinde obedience* and the *Goliars faith*, and could approve l *Hosius* saying, *Ignorance in most things is best of all: to know nothing is to know all things.* And what m *Cusan* saith, *Obedientia irrationalis, est consummata & perfectissima, scilicet quando obeditur, sine inquisitione rationis: sicut jumentum obedit domino suo:* and could receive n *Bellarmines* tenet, who will have faith to consist in the assent, not in knowledge; and that the *Pope* in things belonging to faith, o *Nullo casu errare potest*: he can by no possible means erre. When he sets forth a Decree, *Divinitus illi præclusa est omnis via*: saith p *Bozius*. God stoppeth every way unto him which might bring him into errour. And in making such Decree, q *Nunquam valuit aut valebit facere contra fidem*; He never was, he never shall be able to do ought against faith. I say let this be granted, the Popes Canons and Institutions may tolerably be subscribed to: But seeing Protestant Divines are of a contrarie judgement, and hold that *Assemblies, Synods, Councels, may erre*, and are not infallible in points of faith, yet notwithstanding will require men to swear to Articles of their own framing, and not satisfied touching the lawfulnesse of them, 'tis too absurd, and the Papists herein are truer to their principles then they: A blind Papist, I confesse, walks by some rule, when not knowing the thing to be lawfull, yet receives it, in regard he beleeves the Church cannot erre. But what hath a poore blinde Protestant to help himself in point of conscience, when he shall be compelled to swear to such things as he knows not what they are, whether good, bad, and is taught that the framers and imposers for ought he knows, may erre, and be deceived therein.

3. That the Covenanters knew not the things to be true and most certain to which they swore, and therefore took an unlawfull oath, 'tis as clear as the Suns that shines, for

l Confut. Petri c. 14. p. 18.

m Cusan. Exercit. l. 6.

n Bellarm. de Iust. l. 1. c. 7.

o. Bellar. de Pont l. 4. c. 3.

p Th: Bozius l. 18. de sig. Ec. c. 16.

q Boz. l. 16. c. 8

for many particulars in the Covenant are still ridles and darke sentences, and it is not yet known whereto they have relation. I remember what r *Augustine* writes of *Purgatory*, *Fortasse verum est: non est incredibile: an sit queri potest.* Perhaps it is so, it is not altogether incredible: it may be a question whether there be any such place or no. The like might most *Covenanters* have said, *Forsitan verum est*, perhaps it is true what I now swear; but it is a question: the *Scots discipline* and *Church Government* for ought I know may be Antichristian and false, and the Bishops calling, Christian and lawfull. So for *heresie and schisme*, can any man to this day tell what is intented thereby. I do not regard what Mr. *Taylor* or Mr. *Jenkins* say of it, for as one speake very well: s *A private interpretation of a publick act can give no satisfaction, unlesse it be expresly or verbally allowed by the highest Authority, that doth impose it, and then it is made publick. Private men though learned, if they take upon them the interpretation of publick Dictates, may be more like to light on mutuall contradictions, then of the true and proper construction of the text they interpret.* So did *Vega* and *Suto*, *Soto* and *Caberinus*, &c. commenting on the Councell of *Trent*. I do not know that the high Court of Parliament hath any where declared what they mean by *heresie and schisme*, and therefore for private men to determine of it, I take it to be beyond their calling. And for the *fourth Article* in the *Covenant*, namely, who is to be reputed a *malignant*, and what makes a man to be so, and how far the *Covenanter* is bound by oath in point of discoverie, &c. here needs another *Oedipus* to unfold the mysterie. t Dr. *Willet* shewing for what things an oath is not to be taken, the second is, *of things doubtfull and uncertain: for it were presumption to call God to be witnesse, of that which he is uncertain, whether it be true or not.*

r De civit. Dei. li. 21. c. 26. & in Enchirid. c 69.

s Mr. Ley defensive doubts. p. 89. & 100.

t Comment. upon Exo. Ch. 20. quest. 7. p 295.

The third *property* or qualification of a lawfull Oath, is, *Righteousnesse*, that it be a just and lawfull thing which he sweareth. *Juramentum non sit vinculum iniquitatis*: An Oath ought not to be the bond of iniquitie: and therefore an oath is unlawfull when as thereby we promise any thing that is unjust, or unhonest, whether it appear unto us presently

sently when we make the oath, or afterward finding impietie and injustice in it, which we did not discover at the making of it: then such an oath is rather to be broken then observed, for we sin not in breaking, but in making of it; whereas he that performs such an oath, addeth sin unto sin: that is to say, rashnesse in swearing, wickednesse in performing, according to that saying, *Quod male juratur, pejus servatur. Juravit David temere, sed non implevit juramentum majore pietate*, saith [u] *Augustine*: *David* sware rashly, but kept not his oath with greator pietie.

[u] Auguſt. in Ser. de collat.

However the *Covenant* was at first (as we have before shewed) by many judicious and godly people refused, and the impiety and injustice in it observed and protested against: nevertheless the unlawfulnes of it hath since more clearly and abundantly appeared; *Per sequentia præcedentia declarentur*, as Lawyers say. To shew the impietie and injustice of the Covenant, take these few instances.

1. A man swearing not to do his office and duty, *Non tantum, non obligat*: (saith [x] *Amesius*) *sed si observetur, auget reatum*. Not onely binds not, but if he keep it, he increaseth his sin. When the *Covenanter* swares to preserve and defend *the Kings Majesties person*, he being then a Tyrant and Traytor, and having before shed much innocent blood, was not this an oath taken (at such a time) against his office and dutie? Let the action since, and swearing then, be compared together.

[x] Ames. conſ. l. 4. c. 22.

2. The jumbling of this Nation and the *Scots* together in the *Covenant*, the taking of them in to settle Religion here, and to endeavour the extirpation of Prelacie, Popery, schisme and heresie amongst us, it was (under favour) a practice (I think) never before heard of. Hence that Army under *Hamilton* pretended cause and ground to conquer us: and to this day our dear brethren talk of coming in again to suppresse the Sectaries; thus the *Covenant* is become a snare to the Nation, and of a free State and people, would make us subjects and vassals to another Kingdom. The [y] law saith, *Contractus vel pacta contra legem prohibiti, nam sunt jure nulla*. [a] Again, *Conditio turpis vel impossibilis vitiat*

[y] L. non dubium. C. de I. I. l. Iubemus nulli. [a] De verb. obligat.

fiat actum. Likewise *Contractus vel donatio legata non valent in fraudem legis.* If our Brethren of *Scotland* think the *Covenant* sets them into the Chair, to determine of our affairs here in matters of Religion, and to suppresse all such as they call Sectaries: we must tell them such a Covenant is most unrighteous, against Religion, Reason, Law, and Conscience.

b Instit. l. 4. c. 13. Sect. 20. b *Calvin* saith, *Absurdum est ad ea præstandum nos adigi, quæ à nobis minime Deus requirit.* It is an absurditie that we should be driven to the keeping of those things which God doth not require of us. Again, *Vota incensiderate suscepta non modo nihil obligant sed necessario sunt rescindenda.* Vows unadvisedly made are such as not onely do not binde, but are necessarily to be broken. But where doth God require *a free State* to give up their Authoritie and power into the hands of strangers: and if forreiners shall judge them to be *Sectaries*, whom the State knows to be godly and sound Christians, where is that Law to binde up the hands of our Parliament and Army, whilest these of another Countrey shall cut the throats of honest men. You will say the Covenant will justifie all this: then I say, the Covenant is a pernitious and wicked thing.

c The impiety of Impunity. 3. Some say, c *By this Covenant-oath all Independents ought to be expelled from the House of Parliament, yea not to sit in any Court of Judicatorie, to hear Votes, and determine the weightie causes of Religion and Church Reformation, but as offensive rubs and remoras to be removed; and onely sound Presbyters, Lords and Commons to rule.* A prettie Oath, to swear men out of their rights, priviledges, liberties, and to make them uncapable of all place and trust in the Common-wealth, because they are honest. How doth such an Oath agree with the holy Scripture? d *This is the will of God, that no man go beyond and defraud his brother in any matter*: but *this* (if it be so as it is before said) contains the highest and vilest deceit that can be: e Heathens have taught otherwise and better.

d 1 Thes. 4. 4. 6.

e Ovid. de Arte Amand. l. 3.

*Reddite depositum, pietas sua fœdera servet,*
*Fraus absit, vacuus cædis habete manus.*
Restore the pledge, pietie her leagues keeps still,
Let fraud depart, beware ye do not kill.

4. It

Is this an *unrighteous oath* for Magistrates (deceitfully drawn in) to promise by oath (to accommodate bloodthirstie men) to hinder Gods people from submitting to the sweet and easie yoke of Christ, to suppresse the order and way of the Gospel, and to stop the propagation of the truth, but so much and more too, is gathered from the *Covenant*, and nothing now more frequently complained of, then that the Parliament-men to be *Covenant-breakers*, because they suffer such things to be practised amongst the Saints. Mr. *Owen* well observes, *If they close with them* (saith he) *they are Custodes utriusque tabulæ, the Churches nursing Fathers, &c. what they please. But if they draw back for want of light or truth to serve them, logs and storkes finde not worse entertainment from frogs, then they from some of them.* [f] *Aquinas* speaking of an Oath, saith, *Si vera bona impediti per hunc juramentum deest justitia, & non est servandum.* If this *Covenant* comprehends such things, as some say it doth, yea and publickly avouch to be the main and principall of it, surely it wants *justice*, unlesse it be *justice* to oppose the chiefest good, even Christ in his Church, Ministery, Worship, Government, and to countenance prepostrous, rash, and headie men in violence and persecution.

Next let us consider the use of an *Oath*, which is, *Ut lites & controversiæ finiantur*, saith [h] *Pareus*: that debates and controversies may cease. So the [i] Apostle, *An Oath is an end of all strife. The taking of an Oath* (saith Mr. [k] *Elton*) *serves to further brotherly love, and to confirm lawfull peace and society between party and party, country and country, Kingdom and Kingdom.* And a little before, *That controversies which hinder love and Christian charity may be ended.* So [l] *Bakewell* word for word. I marvell how any man could imagine, that this *Oath* was for peace, or that the present differences and strife between partie and partie, could be ended by it, but rather necessarily continued and increased. I have read some where, about *Heraclea* in *Pontus*, there should grow a tree over the Tomb of *Amycus* King of the *Bebrycians*, the Natives call'd it the *raging or mad Lawrel*, and for this cause, for if a branch or twig thereof (never so little) should be cast into a ship,

[f] Discourse about Toleration, p. 51.

[g] Sum: Theol: Compen: Alt: part. 2. part. cap. 89. p. 222.

[h] Comment. ad Heb. c. 6. v. 16.

[i] Heb. 6. 16.

[k] On the Com. 3. p. 75.

[l] Confut. of Anabapt.

all the Mariners and passengers would brawl and quarrell each with other, neither would there be any quietnesse and peace in the vessell till that *mad wood* was thrown overboard. Whether this *Covenant* be not like that *raging and mad tree*, let the Reader judge, having duly weighed these particulars.

1. It is an Apostolicall precept, that [m] *whereto we have already attained we should walk by the same rule:* and the [n] strong to bear with the weak; and nothing better beseeming Saints, then a due regard had unto tender Consciences. But there is nothing in the *Covenant* that looks this way: The difference between partie and partie (though brethren in the faith) is referred there to the Sword, and no reconciliation, but the extirpation of one, or both.

m Philip. 3. 16
n Rom. 15. 1.

2. As the Oath comprehendeth many things of severall kinds, (and divers of them unknown what they are) which makes it both [o] *superfluous* and *perillous:* so it hath this for an accommodation to the taker, that he is left to take it in his own sense, and having so taken it, now he must fight: but against whom? Against every one contrary to his judgement and practice. And howsoever the *Presbyterians* challenge a proper interest in the Oath, as if the same stood for them, and their designe and cause alone: nevertheless the truth is, others may claim as much as they, and though they make not the like noise, crying, *The Covenant, the Covenant*, yet from the Covenant have as much to say for themselves and against them: and why the Magistrate should tolerate and countenance their Church, ministerie, worship, and government, I say from the *Oath* may as fairly claim the approbation of the State, and the extirpation of them, as they can clearly gather any thing out of it against the other.

o Mr. *John Ley* Defensive doubting. pag. 11.

3. It cannot with truth be denyed, but this *Covenant* hath been a principall cause to hinder union and peace between the Congregationall and Presbyterian Churches: and if a full reconciliation touching their differences could not have been made, yet such an accommodation and pacification easily setled, as both parties might have well satisfied, and brotherly love continued between them: but

by this means they have been the more divided, and contention increased on both sides. Adde hereunto in the last place, the many rebellions and treacherous designes carried forth from time to time under the *Covenant*: As the rising in *Surrey, Kent, Essex, Wales*: and no marvell, for the *Oath* having in it, so many things, and so ambiguous, doubtfull, uncertain, contradictorie, &c. it must needs own almost any thing, specially seeing the sense of it, hath never been plainly demonstrated, but left to mens own interpretation in severall particulars. The Divines of *Aberdene* said well, p *That the words of an Oath should be clear and plain, and if they be any way ambiguous, the true sense of them should be so declared and manifested, that all may know it.* But this Oath was so obscure and dark, as it gave men occasion to take it in severall and different senses, and hereupon strengthened themselves in opposing and striving one against another.

p The Minist. and Professors of Aberdene in their generall Demands, pag. 14.

*Object.* If it be said, that in those dayes there was such division and distraction among us, that there was need to fasten us together by such a sacred bond as that of the Solemn League and Covenant.

To this I answer, or rather will here set down Mr. *Ley* his words for answer: q *That neither the want of such an Oath was the cause of the distempers of the times, nor that the urging of it will be a convenient cure thereof: but rather the contrary: since there is more agreement betwixt peace and love which may be best preserved where offensive things are not urged, then betwixt love and compulsion, especially, if (as of this Oath it is conceived) it incroach upon the conscience, &c. And we see by the operation of it already, daily producing more and more dislike of it, that it is not likely to be a remedie against any maladie already discovered, but rather a means to exasperate the disease.*

q Defensive doubts, touching the late Oath of the sixth Canon, pag. 6, 7.

*There be other means more effectuall for holding out of Popery* (r say the Divines of *Aberdene*) *in which we ought to confide more then in all the vows and promises of men; yea also, more then in all the united forces of this Land: to wit, diligent preaching and teaching of the Word, frequent prayer to God, &c. whereby we may increase in the knowledge of the truth, and in ability to defend it*

r Generall demands of the Ministers of Aberdene. pag. 29.

*against the enemies of it*: So for *heresie, schisme, superstition*, and other unlawfull things, and to advance the doctrine of truth, and discipline of manners; these have been the chief means, and will be still the best means, with them there is no need or use of swearing; and without them, Covenants and Oaths will do no good.

f Alsted. cas c. 15 pag. 288.

Moreover we have against the Oath, this, f *Si factum sit juramentum de rebus quæ non sunt nostræ potestatis, &c.* A man taking an oath to do an impossible thing, the same is not binding: t *Ut si quis amico juret se ipsi bona alterius donaturum*: As if a man should swear to his friend he would give him another mans goods. It is a maxime in Law and Nature, *Nemo plus juris ad alium transferre potest, quam ipse haberet. Tyrannicum est ad res impossibiles alios adstringere*: saith u *Pareus*. The Ministers of *London* in their Letter to his *Excellencie*, do much presse these words in the Solemn League and Covenant: namely, *The preservation and defence of the Kings Majesties Person*; and do infer from the same, *a violation of the Oath if he should be put to death*. But they would have shewed more genuity and candor as becoming the Ministers of Christ, to have proved the lawfulnesse of such a promise: where is it required in the holy Scripture, that men should swear not to put to death a tyrant, traytor, murderer: will they rob God to give unto men? or do they think if men have sworn not to give unto God, the things that are Gods? they are bound to keep such an unjust and rash Vow, or otherwise they shall provoke the Lord to wrath, as they instance in *Zedekiah*, *Saul*, and others. It is well known amongst all the Subscribers, not one of them hath hitherto undertaken to justifie that clause in the Article taken according to their sense; yet doubtlesse they might with as much safetie have given *Reasons* against the Parliaments proceeding with the King, as cast forth from time to time *raylings* against them.

t Vslon. Syntag l. 9. c. 23.

u Comment. in Gen. 24. v. 8

Besides do not men take an Oath to do an impossible thing, when they swear to do a thing which they know not what it is? *Zeal without knowledge* (saith Mr. a *Ley*) *is not sufficient, but it is necessary men should first know what Popery*

a Defensive doubts, p. 36.

*and what is not, before they renounce it by swearing*: And is it not so, as they should first know, what is schisme and heresie, and who are meant by Malignants, before they swear to suppresse the one, and punish the other? For it cannot be imagined, that an Oath otherwise can be kept, or that it is taken with any such intent. Again, *Conscience* (saith b Mr. Elton) *cannot be bound, where understanding cannot discern what is done, and where he that sweares wants reason and understanding to discern what he doth.* So c *Alstedius, Conscientia enim obligari non potest, nisi intellectus, quid factum sit, aut fieri debeat discernere nequit.* And a little after, *Ad legitimum juramentum requiritur, ut intellectus integrè, vel saltem non ablatè, sciat.* He that swears rightly (saith Mr. d Bakewell) *ought to know the nature of an Oath, and to be able to judge of the matter before whom, and to whom, and of time, and place, and other circumstances.* We ought (say the e Professors of *Aberdine*) *to judge of those things we are to swear to, with the strict and inquisitive judgement of veritie, and to ponder duly, and to propound particularly and fully to others* (especially to those who require our oath) *to satisfie our consciences therein, and to answer all the doubts and reasons, which make us unwilling and afraid to give our assent thereto.* That this Oath was imposed upon many men who wanted reason and understanding to discern what they did; and so consequently the conscience not bound: thus I prove it.

1. It was not long before this *National Covenant* came forth, that the Oath of the *sixth Canon* was enjoyned, and the Clergie were to swear that they did *heartily, willingly, and truly upon the faith of a Christian, approve the doctrine and discipline or government established in the Church of England, as containing all things necessary to salvation, &c. Nor will they ever give their consent to alter the Government of this Church by Archbishops, Bishops, Deanes, and Archdeacons, &c. as it stands now established, and as by right it ought to stand.* A little after this is published a book entitled, f *Episcopacie by divine right.* Wherein it is affirmed, *That there is not the tenth part of the plea for the Lords day from the writings of the Apostles which Bishops have for their Episcopacie.* And that there *be divers points of faith (weighty points) which have not so strong evidence in Scripture:*

so

b Exposition on Com. 3. p. 79.

c Alsted cas. c. 15. p. 288.

d Confut. of the Anab. p.

e The generall demands of the Ministers and profess. of Aberd p. 37.

f Dr. Hall of Episcop. par. 2. p. 47. ibid. par. 1. p. 63.

so strong *evidence, that Heaven may as soon fall, as that fail the Bishops.* Neither was this his opinion alone, but the people generally thought so too, and for any other government (I speak of the greatest number) they knew none: so far did they want reason and understanding to discern what they did, when they sware down *Episcopacie*, and covenanted to maintain and preserve another kinde of *Church-Government* when it shall be found out, and set up by the States.

g Mr. *Child:* his Answer to Charitie maintained p. 82.

2. The *Covenanter* swears against *Popery*, but knows he what he doth? or what is intended by it? *Luther* (as g some report of him) was wont to say, *That himself, and almost every man else, had a Pope in his belly*: yet few have it in their heads to tell what Popery is.

b Kings large Declarat. p. 319.
i Pelcius in Harmon. Remonstr. & Sacin. Excus. Ludg. Bat. 1633.
k Whitg. repl. to T. C. p. 299 559.
l Episcop part. 3 p. 34.
m Defence of his Sermon. l. 1. c 8. p. 139.
n Defence of the three Innocent Cerem. Epistle to the Nonconform.
o Answ. on Exo. 20. v. 5.

Many hold that divers of the *Arminian Tenets* are nothing else but Popery blanched over with h a specious subtiltie: and for holding them, some have been i publickly censured as Popish. k *Whitgift*, l *Hall*, and m *Downal* conclude Poperie upon the Presbyterie: and the Presbyterian disciplinarians condemne all Episcopall jurisdiction as Papisticall. And many censure both these, as Popish and Antichristian.

3. So touching *Superstition*, what doth the *Covenanter* take it for? The *Conformists* formerly have imputed *superstition* unto the n *Nonconformists* in forbearing and forbidding the use of the Ceremonies: some charge the *Parish-meeting places* with *superstition*, and to be pull'd down, as the *high places and idol temples*, yea, and by the *Covenant-oath* they say it should be so. *Tithes* likewise is held *superstition*, and all o contributing to the maintenance of an unlawfull Ministerie: yea, there be some of opinion, that all Ordinances, (as Prayer, Preaching, Sacraments, &c.) are *supra Statutum* superstition. Briefly, the Papists charge the Protestants with *superstition* in divers things. I had almost forgotten how some told me of late in *Westminster-Hall*, that the *red crosse* which hangs there by the wall at the *Kings Bench* is *superstition*, and the same (with all others the like) ought to be broken to pieces, and such things to be no more

use amongst us, and the *Covenanters* sworn so to do.

4. For *heresie* it is well known, that this is charged by Papists upon Protestants, and they again upon the Papists: and the Lutherans upon them both: and *the* p *Professors of Protestantisme they specially of greatest worth, learning and authoritie, count Calvinisme heresie, and little lesse then treason.*

5. For *Schisme* I shall not mention it here, it is a secret and mysterie, and therefore to be left alone: The *dweller between White-hall and White-chappell* imputes it q to Mr. *Price, and men of his faction and humour.* But the Law saith, *Testes singulares non probant.* We have next *Malignants*: and riddle me, riddle me, what is this? In the *first Centurie of scandalous and lewd Ministers*, I finde commonly *malignitie* applyed to such, as had spoken reproachfully of the Parliament, as saying, r *The House of Commons in Parliament was an unjust Court*, s *hypocrites, schismaticall, and pragmaticall fellows*, t *a company of factious fellows, no Parliament, that their* u *proceeding against the Earl of Strafford was wrongfull and unjust* &c. For such expressions formerly men indeed have been reputed Malignants, and so censured. And is it lesse malignitie, or doth the Covenant exempt such from being malignants (because from Episcopacie turn'd to Presbyterie) who speaking of the Parliament, call it *an apostatizing Parliament, a Covenant-breaking Parliament, a Parliament at whose doors may be layed all the errours, heresies and blasphemies of the times; a Parliament that hath wrought a great Reformation amongst us in Church and State, taking away High Commission Court, Star-Chamber, Councell Table, &c. and bringing in the roome thereof severall Committees, whose little fingers in the way of oppression, were heavier then the loyns of the former Courts; a Parliament suppressing Poperie, Ceremonies, Crucifixes, Crosses, Service Book, &c. and in the roome thereof giving liberty of conscience, otherwise called, a cursed Toleration of errors, heresies, blasphemies, and all manner of licentiousnesse; a Parliament that hath taken away Ship-money, Coat and Conduct money, Monopolies, &c. and in the roome thereof bringing in Taxes, Assessements, Free-quarters, and the heavie burden and bondage of Excize: which neither we nor our fathers were able to bear.*

p In a Book called, *Mercy and Truth*, or *Charity maintained.* See Mr. Chillin. Preface in Answer to it, pag. 12.
q Vindication of the London Ministers, p. 6.
r Centarie p. 4
s Pag. 9.
t Pag 26.
u Pag. 18.

And

And because some people might think, that such vile and malicious speeches could not possibly proceed from their lips, who stile themselves *The Ministers of Jesus Christ within the Province of London*: I desire it may be well observed, that whereas Mr. *John Price* in his book entitled, a *Clerico Classicum*, hath charged them with this great malignitie against the Parliament, and in particular, names Mr. *Caulton*, Mr. *Cranford*, Mr. *Case*, Mr. *Love*, Mr. *Jenkins*, and Mr. *Taylor*, as authors and actors. In the Answer which is lately come forth to the said book, not onely there is nothing said to it, (and so granted to be true,) but withall he addes more calumniation and slander: yea, and more dangerous and destructive to the State.

a Clerico Class. p. 7. 8.

*Your faction* (b saith he) *have offered violence to the two Houses, forcing them to vote and invote at your pleasure.* c *They cannot in their conscience beleeve that the Members sitting at Westminster are a free Parliament, seeing they are under the Sword: nor a full Parliament, in regard 200. Members of it are forc'd away; nor a compleat Parliament where two States are aboliſh'd.* As for the late King, *he was not* (d saith he) *either an idolater or a Tyrant: the e Army and Councell of justice, did put him to death by the impulse of that spirit that now works mightily in the children of disobedience, because 'twas done without and against the Word of God.* f *The guilt of that innocent blood which hath been spilt must be expiated and avenged on some of the chiefest of the Incendiaries.* As for themselves they have g *an holy indignation against so horrid a fact.*

b Vindication of London Minist. from the aspersions of *John Price* pa. 70.
c Ibid p. 31.
d Ibid. 47.
e P. 68.
f P. 46.
g Pag. 39.

I could take out divers other things from the Covenant, to shew, that he who swears to it wants understanding to discern what he doth. But this shall suffice for the present. And I desire it may be noted, that the *Oath* is *quidlibet ex quolibet, all things, and nothing*: it makes everie man *popish, superstitious, heretical, schismatical, malignant*; and yet makes no body so: he that shall speak disgracefully and scandalously against the Parliament, and the proceedings thereof: is a *malignant* by the Covenant, and yet not *a malignant*: for the Covenant admits of a divers and contrary sense in one and the same thing. *A malignant, an Incendiary*, &c. if

he

he ſtands for the Biſhops, but if a Presbyterian: no malignant then, no Incendiarie, and why? not but that it is all one thing, or that he rails leſſe, or ſpeaks leſſe falſly againſt the State; but becauſe, he being his own Interpreter, he takes it otherwiſe.

*Object.* If it be ſo, a man may the more willingly take the Oath; for though he underſtand not what is meant by the particulars in it, yet taking libertie to himſelf to make ſuch a ſenſe of it as may moſt conduce to his own intereſts, whether for advantage, or for avoiding of danger and damage no hurt can follow; ſpecially ſeeing by equivocation and mentall reſervation, he can ſave himſelf from being diſcovered in any dangerous deſigne.

*Anſw:* 1. An Oath cannot lawfully be taken, till the doubts and ſcruples be reſolved and cleared, which might any way trouble the conſcience of them who are indeed rightly religious. The Divines of [h] *Aberdene* ſaid well, *That the words of an Oath ſhould be clear and plain: and if they be any way ambiguous, the true ſenſe of them ſhould be ſo declared and manifeſted, that all may know it.* And if moſt of theſe doubts before propoſed ſhould be found to be frivolous (which we do not conceive of any one of them) and but one of them contain a juſt ground of ambiguitie, [i] *That one is enough while we are in ſuſpenſe concerning the meaning of the Oath to ſuſpend our diſſent from taking thereof.* For the compariſon (brought by the prudent compoſer of the Hiſtory of the Councell of Trent) we take to be true, and of much importance to this purpoſe, which is, [k] *Sicut enim particularis univerſalem contradictoriam falſam efficit: ita particularem ambiguam, incertam reddere univerſalem.* For as one particular maketh falſe the contradictorie univerſall: ſo one ambiguous particular maketh the univerſall uncertain.

[h] The Minist. and profeſſ. of Aberdine in their generall demands. p. 14.

[i] Mr. *Ley* Defenſive doubts. p. 109.

[k] Hiſt. Concil. Trident. l. 2. p. 212.

2. It reſts not in the power of an inferior (whether he be the taker or miniſter of the Oath) to put his private conceit for the ſenſe (which is the ſoul) of a publick conſtitution; and if he do ſo, we cannot but doubt of it (though it ſeem never ſo plauſible) unleſſe it be allowed by the Authoritie which chargeth the Oath upon the conſcience. And this conſtruction we are taught to make by the explanation

nation of the Oath in *Scotland*, published by *Marqueſſe Hamilton* the Kings Commiſſioner there, in theſe words: l *Oaths muſt be taken according to the minde, intention and commandment of that Authoritie which exacteth the Oath.* Again, m *An Oath muſt be either taken or refuſed according to the known intention of him that doth miniſter it,* n *eſpecially if it be a new Oath.* To the ſame ſenſe, though in different words, ſay the Aberdene Divines, o *An Oath is to be given according to the minde and judgement of him that requireth it.* The old rule (which is a maxim) ſaith, p *Is committit in legem, qui legis verba complectens, contra legis nititur voluntatem.* He offends againſt the Law, who cleaving to the words of the Law, leaveth the will of the Law, that is of the Law-maker. For men therefore to take an Oath contrary to the minde of them that require it, or before their minde is known, and the plain and common ſenſe and underſtanding of the Oath reſolved and cleared, from whoſe authoritie and power it proceeded, and to put their own private conceit for the ſenſe, it is a very unlawfull act, both in point of Law and conſcience.

l The explanation of the Oath in Scotland in the Kings large Declar. p. 328.
m The Kings Declaration of the Tumults in Scotl. p. 177
n Ibid. p. 347.
o The Minist. and Profeſſors of Aberdene in their generall Demands, pag. 14.
p Regul. juris. 88.

3. Note what miſerie and miſchief ſome men have brought upon themſelves and others, in taking the Covenant in their own ſenſe, and not knowing the intention of that Authoritie which exacted the Oath. Tis urged, that q *the Covenant binds to preſerve the doctrine, worſhip, diſcipline, and government of the Church of Scotland*: but who knows here, the minde and judgement of the State? For it is ſaid a little after, *according to the Word of God*: and therefore unleſſe the Parliament had reſolved and declared in a plain and common ſenſe, that the worſhip, diſcipline and government of that Church was *according to the Word of God*: It is onely a Presbyterian private conceit for the ſenſe, to ſay that the Covenant binds to preſerve the worſhip, diſcipline and government of that Church. Again, *the Covenant* (ſaith he in the ſame place) *ingageth to extirpate hereſie and ſchiſme*: it doth ſo: and *popery and ſuperſtition* likewiſe, though he names it not: but muſt not this be taken according to the intention of that Authoritie which gave the Oath? and where is that thing as yet declared? *The Covenant* (ſaith he)

q Vindication of the London Miniſters, p. 36

he) *ties us to endeavour after a uniformitie in Religion and form of Church Government*: it would have been plain dealing to have set down the rest, to wit, *according to the Word of God, and the best reformed Churches*. But what is this for the Presbyterian way? the Parliament hath not any where (to my knowledge) acknowledged it to be *jure divino*, neither is any man tyed by that Covenant to submit to it, or to endeavour the promoting thereof.

Again, be it granted (as he saith) *the Covenant binds to preserve the priviledges of Parliament*: yet there is no breach of the Oath to resist such men who proceed *extra judicialiter*: because while the Magistrate doth against his office he is not a Magistrate: *For* r *law and right, not injurie should come from the Magistrate.* ſ *The Law gives every private man power to resist, if the danger be irrecoverable, yea though it be recoverable.* So t *Jurists* say, that a private man hath the same Law to resist, and in a recoverable losse, they say, every man is holden to resist: u *Si evidenter constet de iniquitate*; if the iniquitie be known to all.

It adds much to the unlawfulnesse of this Oath, that men were compelled to take it: for if it had been left to every mans choise and libertie, whether he would have sworn to the particulars, or not, there had been more reason for that, and lesse danger in it. At *Geneva* both Minister and people x took an oath, for shutting out of Popery: but were not urged unto it, by any commination of danger, that so their swearing might be with a free will, not mixt with reluctancie of conscience, or with fear of penaltie.

It hath been by some much complained of, and held to be a great oppression, when under the Prelate one was to devise a form of Prayer (plain enough for the sense) and another constrained under a great penaltie to observe and use the same. Here is a *stinted Oath* stuft with ambiguitie, dark and doubtfull termes: 'tis devised by one, imposed upon another; and though the taker be not satisfied in point of conscience touching the lawfulnesse of it, yet he shall be fined, sequestred, put out of his place, calling, live-

r L. Meminerint 6. C unde vi.

ſ L. Prohibitum C. de Iur: fisc. L. quemadmodum 39. S: Magist: ad L. Aquil. l. Nec mag 32. de injur.

t Marantius dis. 1. n. 35.

u D. D. Iason n 19. dec n. 26. ad l. ut vim de just. & jur.

x Mr. *Hookers* Preface before his Eccles Pol. fol. 5. p. 1.

lihood, &c. if he refuse to take it: Reader be thou judge where lyes the greatest oppression.

The Parliament hath lately, truly, and piously declared, y *As for the truth and power of Religion, it being a thing intrinsecall between God and the soul, and the matters of faith in the Gospel such as no naturall light doth reach unto; We conceive there is no humane power of coertion thereunto, nor to restrain men from beleeving what God suffers their judgement to be perswaded of.* a *The civill Authority* (saith Mr. *Perkins*) *hath no power, or rule over the things of God.* This being so, I cannot see, any Scripture-rule or warrant, that the Magistrate hath, to compell any man to swear that he shall endeavour the preservation and establishment of such a worship, doctrine, discipline, and the extirpation of this or that Church Government. I speak not of what doctrine, worship and government the *higher Powers* may think fit to settle in a Kingdom, what to permit, and tollerate, or what not: But to require an oath of the people that they shall embrace this way, or oppose that thing in matters of Religion, this I humbly conceive is a businesse wherein they are not concerned.

y Answer to the Scots Commiss. p. 16.

a Exposition on Jude, v. 8.

*Object.* But we read in Scripture, that a *Covenant* hath been imposed by the Magistrate upon the people, and they have been required by oath to take it; yea, and in case any should refuse to binde themselves by oath to observe the same, they were to be punished: and for this there are sundrie instances: as in *Nehemiah, Ezra, Hezekiah, Josiah, Asa.*

*Answ.* That nothing can be truly gathered from such examples, to justifie this Covenant which we oppose, or to prove the lawfulnesse of it, I shall here clearly demonstrate by these Reasons.

1. For that which was done in *Nehemiahs* time, with whom I also joyn *Ezra* in the work of Reformation: first it appeared that none were constrained to go up to *Jerusalem*, for the building of the Lords house, but such b *among the people as would*, and *with whom their God was*: such indeed (and none else) had libertie granted, and means allowed them, to return: but as for compulsion or violence, there was not any used.

b Ezra 1. 3, 4. 2 Chron 36. 23.

2. Touch-

2. Touching that Covenant which they *made, wrote, ſealed,* and *ſwore* unto: let it be obſerved: 1. That *Ezra* and ſuch as went with him, before their journey [c] humbled themſelves by faſting before the Lord for direction. 2. When they were come to *Jeruſalem,* not onely was there much weeping and wailing [d] by him for the ſins of the people, but alſo great [e] manifeſtation and practice of repentance, and amendment of life by all the Congregation.

[c] Ezra 8.21.

[d] Ezra 9.1,2, 3.

[e] Ezra 10. 1,2. 10,11,12. 18, 19, &c.

3. As the Covenant tyed them onely to the keeping of the Law, ſo when all [f] *the people were gathered together as one man,* they had the Law read and expounded unto them, to the great humbling of all the people at the firſt, but afterwards to the great rejoycing of them all, BECAUSE THEY HAD UNDERSTOOD THE WORDS THAT WERE DECLARED UNTO THEM: And in the laſt place, and for the ſhutting up of all, [g] confeſſing their ſins, and the iniquities of their fathers, *with faſting, and with ſackcloths and earth upon them*; [h] *the Princes, Levites, Prieſts,* [i] *and all they that had ſeparated themſelves from the people of the Land,* voluntarily and freely covenanted (not through compulſion and fear) *to walk in Gods Law, which was given by Moſes the ſervant of God, and to obſerve and do all the Commandments of the Lord their God, and his judgements, and his ſtatutes, every one having knowledge* (mark it well) *and having underſtanding.* There needs no application, the ſetting down of theſe things, with the Readers bearing in minde what I have formerly manifeſted, is conviction ſufficient of the other Covenant, or at leaſt to finde nothing there for it's juſtification, no not ſo much as a leaf to cover the nakedneſſe of it:

[f] Neh.8.1. 3,5,7,8,9,12.

[g] Neh.9. from v.1. to 38.

[h] Ch 9 39.

[i] Neh. 10. 28, 29.

2. For *Hezekiahs* time, I finde nothing in the Hiſtory of his life, in relation to this buſineſſe: It is ſaid, they [k] *made a Proclamation throughout all Iſrael, that they ſhould keep the Paſſeover at Jeruſalem, and divers of Aſher, and of Manaſſeh, and of Zebulun* came thither: but this was willingly, not by any compulſive law: for 1. he had no authoritie over them at all. 2. It was [l] *the hand of God* (upon them and) *Judah to give them one heart to do the commandment of the King.* 3. Whether

[k] 2 Chron.30. 5. 11.1.

[l] Ver.12.

m Ver. 25. ther they were of *Israel* or of *Judah*, m *the whole congregation rejoyced* in the work, and good reason too; for they well knew what they then did, it was their duty to do, and no more but what they had formerly by Covenant obliged themselves unto.

n 2 Chron. 34. 30, 31, 32. 3. And for *Josiahs* time, it is written, n he *made a Covenant before the Lord* (*all the men of Judah and the inhabitants of Jerusalem, and the Priests, and the Levites, and all the people great and small* being present) *to walk after the Lord, and to keep his Commandments, &c. And he caused*, or *appointed* (for the word signifies no more) *all that were present in Jerusalem and Benjamin to stand to it.* o *And all the people stood to the Covenant.* Note

o 2 Kin 23. 3.

p 2 Chron. 34. 30. 1. p it is said, *he read in their ears all the words of the book of the Covenant, that was found in the house of the Lord.* So there was nothing that he tyed them unto, but what they certainly knew to be just, holy, and good. 2. He causeth them not to stand unto any thing, but what before they had covenanted and promised to do: and therefore here was no *new Oath*, or properly any *making of a Covenant*, but a renewing rather of their Covenant: no solemn League and Oath to bring in, and establish amongst them, a new worship, discipline, and Church Government, but a publick engagement to continue in such a religion to which they had before submitted.

Now Reader wipe thine eyes, that thou mayest see, how *Josiahs Covenant*, and *ours*, do look in the face one like the other.

1. *Josiah* reads the words of the Law to the people, and to this onely would have them promise obedience: Our *Covenant* requires some thing against the Law of God, as that a murderer, traitor, tyrant, &c. if a King, shall not be put to death: so the *Presbyterians* expound one clause of it.

2. *Josiah* obligeth them by Covenant, onely to stand, for and to such things, as they knew what they were, and to be lawfull: for there was nothing propounded to them but the very Word of God. Our *Covenant* hath much in it not onely so doubtfull and ambiguous, as no man knows what

what is meant by it, but also what is apparently disagreeable to the Word of God.

3. There is nothing in *Josiahs Covenant* as tying the people to the practice of, I say not any one particular thing, but what before they had promised to do: our Covenant requires an oath to endeavour the preservation of the *Scots worship, discipline, Church government*, &c. and (some say) to settle *Presbyterie* thorow all the three Kingdoms: a thing before never promised by us, nor by our forefathers: never allowed before by Authority in the Land, or practised by the people.

4. *Josiah* did not cause the people to swear against a former Oath, but obliged them to keep the oath which formerly they had made. By our Covenant men are sworn *to endeavour the extirpation of Church government by Archbishops, Bishops*, &c. howbeit many times before q *without any equivocation, or mentall evasion, or secret reservation* they had taken a solemn Oath *never to give their consent to alter the same.*

q See the oath of the late 6. Canon.

5. *Josiahs* Covenant took in onely the members of that Church, and although many took the Covenant yet they were the Jews onely, and amongst them, *Judah* and *Benjamin*. But our Covenant takes all in, even three Kingdoms at once, *England, Scotland* and *Ireland*: not in reference to a visible Church-estate: for it puts no difference between people *within* or *without*, the taking of the Oath is all the condition of the person *no way* considered of.

6. *Josiahs Covenant* was such as *all the people stood to it:* but this was so unlike to that, as many conscientious and tender hearted Christians, utterly refused it, and shewed the unlawfulnesse of it, and not a few who took it, did it meerly to prevent danger.

4. And in the last, of *Asa* it is said, r *He gathered all Judah, and Benjamin, and Manasseh*, &c. *and they entred into a covenant to seek the Lord God of their fathers*, &c. *That whosoever would not seek the Lord God of Israel should be put to death, whether small or great, whether man or woman.* It may be some will think the Covenant is warranted by this example: but here it hath no relief nor countenance: and thus I prove it.

r 2 Chron. 15. 9. 12, 13.

1. This

1. This Covenant of *Asa* is the very same with that of *Josiah* mentioned before, and so cannot justifie *ours*, upon the aforesaid reasons and grounds.

But 2ly, if *Asas* example be the ground of our Covenant, then whosoever should refuse to take the Covenant, ought to be put to death: For any other punishment, as sequestration, finement, imprisonment, &c. it is not just, nor comes uprightly to the thing: for if a man undertake to prove any act punishable, by this precept or that example in Scripture, he cannot appoint to it any other kinde of punishment but what the place mentioneth (it being there plainly determined) that same (I say) must be inflicted, and no other.

And here (to make a little digression) there is a fit occasion offered me to discover the great deceit of some men, in abusing the Magistrates, pressing them by civill punishment to suppresse Sectaries and Hereticks, and to prove that it is their duty so to do, these *Scriptures are commonly cited, which is punishing with death: but perceiving that to urge the execution of the Law in such a way, would not rellish, nor well take with them, here they are silent; but in the mean time shew the more hipocrisie, for if the Parliament be to act according to these Scriptures against *Brownists*, *Anabaptists*, *Seekers*, *Arminians*, why do they speak onely of silencing them? and would rest if they were restrained of libertie? Certainly either these Scriptures taken from the Law, give the Magistrate no power to punish such men at all for their conscience, or if they do, it is to put them to death. And therefore the Papists (being truer to their grounds) upon these Scriptures hold it not onely to be no sin, but good service to God to extirpate by fire and sword all that are adversaries to, or opposers of the Church and Catholick Religion, and that hereticks should be delivered to the Civill Sword, and without mercie put to death. So write [f] *Gregorius de Valentia*, [t] *Suarez*, [u] *Azor*, [x] *Becan*: [y] *Turrian. And that Schismaticks may be punished with almost all the punishments of Hereticks.* So [a] *Suarez.*

3. To come again to the matter in hand, whereas it is said,

* Deut. 13. 6, 7, 8, 9. Exod. 22. 20. & 31. 14. Levit. 24. 16. Deut. 17. 23. 45.

f In 2am, 2æ, disp. quæst 11. punct 3.

t De Tripl. virtut. Tract 1. disp. 23 sect. 2.

u Inst. moral: Tom. 1. l. 8 c. 14.

x Summa part. 3. Tract. 1. quæ. 6. & 9.

y In 2am, 2æ, disp. 56. dub 1.

a De Trip virt. Tract 3. disp. 12. Sect. 12.

ſaid, b *All Judah rejoyced at the Oath*; and the reaſon is added, *For they had ſworn with all their heart, and ſought him with their whole deſire.* This ſhews, that as the Lord had choſen this whole Kingdom to be his people, and raiſed up this, and the like notable inſtruments of Reformation amongſt them, ſo did he upon this and the like occaſions worka moſt wonderfull and extraordinarie work upon them, bowing their hearts univerſally to the love of his Word for the preſent, and to the receiving of the ſame with joy, together with all readineſſe to the obedience of his Commandments: The like unto which never was, nor ſhall be ſeen to the end of the world, in a whole Kingdom, except the Lord do again chooſe one Nation from all other Nations, to be his people as then he did. b 2 Chron. 15. 15.

4. Howſoever the Kings of *Judah* according to the diſpenſation of thoſe times, were to deſtroy and put to death Idolaters, blaſphemers, &c. and ſo to weed all ſuch wicked ones out of the Church, by the Sword: yet I deny that any King now upon earth, is by the Word of God, to draw all people under his Dominion into a Solemn League and Covenant with the Lord, (how much leſſe before they be conveniently taught) and to confirm the ſame by Oath, and to inflict death upon all them that refuſe it, (for there is no other puniſhment if the practice be taken up from the example of the Jews) or remain wicked and unrepentant, as the Kings of Judah were to do by the people of that Nation.

That godly Magiſtrates are by compulſive Laws to repreſſe publick and notable Idolatrie, as alſo to provide that the truth of God in his Ordinance be taught and publiſhed in their Dominions, I make no doubt: It may be alſo, it is not unlawfull for them by ſome penaltie or other, to provoke their Subjects univerſally unto hearing, for their inſtruction and converſion: but if they ſhould hold it their duty as the Kings of Iſrael held it theirs, to c *deſtroy all the wicked of the land*, and *to ſlay all that would not ſeek the Lord God of Iſrael, with all their heart, and with all their ſoul, whether great or ſmall, man or woman*: and ſhould c Pſal. 101. 8.

practice accordingly, they would have very few Subjects to rule over.

To these considerations let this be added, that when *David* the famous King of *Israel*, and a man acquainted with the minde of God, had subdued the Nations round about him, and made them [d] *Tributaries*, and reigned over them: he did not, that we read of, by compulsive Laws, require them to take an oath that they would endeavour the extirpation of any false worship, and embrace the doctrine, worship and discipline of the Jewish Church. But you will say, those Nations were Heathen, and Infidels, and such as made no profession of Religion, nor were circumcised. To which I answer: 1. Amongst the rest over whom *David* ruled, the [e] *Edomites* are named, which were the posterity of holy *Abraham*, as well as the Israelites, coming of *Esau*, as they of *Jacob*: who did also (besides many main truths) retain circumcision, and that true also, as well as some retain true baptisme: and by which they might (for ought I know) as truly be deemed the Lords people, though in apostacie, as Atheists and Papists by the other. 2. The grosser the errour is, the easier it is to be discerned, and so the lesse danger to impose an Oath against it. 3. If a Magistrate have under his power Infidels and Christians, I see no reason why he should more trouble the Christians conscience, then the other in matters of Religion.

d 2 Sam 7.1, 2,3,6.

e Ver. 14.

And as the Word of God gives no allowance to force men involuntarily, and for fear of such and such penalties to take the *Covenant*, so it is against Law and reason that any compulsion should be used, but people ought to have been left to their own libertie and choise, as we said before. It is well known that the Law saith, [f] *Edicto Prætoris rescinditur, quod metu gestum est*: By the Edict of the Pretor what is done through fear is of no force: *Quod non tam verbum esse hominis, quam Dei vocem*, saith a great Lawyer. *Juramenta vi extorta, non erunt præstanda*, [h] saith the Canon Law. [*] Again, *Juramento meticuloso absolutio per judicem Ecclesiasticum*. So among the *Emperiall Laws*, there are these

f Text: in C. quando iuretur m. 6. tandem l. 1.

g Bl: cons: 133 Col 2.

h Isidor etiam C. non est. 22 q. 4 In C. cum contingat 20. jur.

[*] Decret. l. 2. c. 2 fol 157. p. 2. col. 2.

theſe words of *Frederick* the *Emperour*: i *Sacramenta per vim vel per juſtum metum extorta, etiam à majoribus (maximè ne querimoniam maleficiorum Commiſſorum faciant) nullius eſſe momenti jurisjurandi.* And that it is againſt pure reaſon too, I prove thus.

i Auth Sacram. publ. C. ſi adverſ. vendit.

1. This is a naturall principle, *Quod tibi jus fieri, hoc alteri fac; & quod nolis tibi fieri, alteri ne facias.* Now who is there, making it his own cauſe, would willingly be compelled to take an Oath, in a matter which he thinks is either falſe, or doubts of the truth of it; or if true in his underſtanding, yet makes queſtion whether he have any reaſon or ground to ſwear: and yet muſt either ſwear or ſuffer. But ſo it was here in many mens caſes.

2. Pure reaſon teacheth a man ſo to conſider his neighbour, as not onely not to caſt him down; or if fallen, not onely help to recover him, but to keep him up what he can, that ſo he fall not. *Baſil* (as k *Baronius* reports) would not have Biſhops to ſwear *in reſpect of the perill of an Oath*; And the l *Councell of Challons* inhibited and diſcharged the Clergie from a certain Oath which formerly they had been compelled to take, *in regard it was perillous*: how perillous this *Covenant* is, we have ſhewed already in many particulars: ſo that to ſpeak the truth, there was no reaſon it ſhould be taken at all; but leſſe reaſon that any man ſhould be forc'd to take it: this was not the way to prevent our brothers falling, but rather with both hands to throw him down.

k Baron. Annal. Tom. 6. an. 449. nu. 12. col. 83.

l The Coun of Challons, Can. 18. p. 560. Sympſ. of the Church.

3. There is no reaſon that a man ſhould accuſe himſelf, the Word of God requireth *two or three witneſſes* unto every lawfull eviction and condemnation. Which Mr. *Lambert* ſtood upon when he was examined about the *Oath ex officio*, whether he thought it lawfull or no: m *It is not lawfull* (ſaith he) *for a man to ſwear when a man knoweth not what they will demand of him, or whether it be lawfull to ſhew them the truth of their demands or no, or whether the matter will bear an Oath, or if it will, whether there be no other means left to bowlt out the truth. If the Judge require an Oath in lawfull and convenient manner, as in controverſies which cannot otherwiſe be de-*

m Act: and Mon. p. 1021. 1022.

*cided betwixt neighbour and neighbour, I think my self bound to swear: but if he put me to my oath to bewray my self, or to bewray any other, this being contrary unto charity, I count it expedient to hold me still.* If a man have acted contrary to the things contained in the Covenant, though his minde gives him he hath done well in it, yet being by Oath obliged to discover so much, how can he dispence with his Oath in concealing it? and if not, how can he fulfill that Commandment, which requires him, not to destroy, but to save himself? Thus he fals into a snare, and either necessarily must break his Oath, or Gods Law.

4. If a Magistrate be to impose an oath which may be diversly accepted, and what is truly intended cannot be known, unlesse the proper sense be plainly given, there is no reason that a man should take it, till he directly know in what acceptation or sense he shall take it; and therfore to be compell'd to take it before he knows so much is very unreasonable.

If there were nothing but this to be objected against the Oath, it were sufficient to manifest the unlawfulnesse of it, and to prove that it wanted the essentiall part and propertie of a true Covenant, and so binds not any mans conscience to keep it. I shall not here make repetition of things before spoken; this onely I adde, that the Covenant is such a strange thing, as when a man keeps it he breaks it, and breaking it he keeps it. I could multiply instances here, to let men see the weaknesse, absurditie, contradiction, &c. of it in this particular, but it is not worth the labour and time.

It is a question disputed by Divines, and Lawyers, whether it be lawfull to impose an oath, to be taken by such an one, as we think making no conscience of it, will not stick to forswear himself, if he be put to it: And it is usually answered by distinction, that for a private man to impose upon such a man an Oath for his gain and private respect, it is altogether unlawfull; because we are bound to prefer the glory of God which by such an oath is impeached, and the salvation of our neighbours soul which hereby

hereby is indangered, before any gain and advantage. And consequently we ought rather to lose any worldly benefit, then that by such an Oath we should suffer God to be dishonoured, and our neighbour lose himself.

Again, howsoever it be granted, that the Magistrate may lawfully put such an one to his oath; yet so: [n] 1. if the truth may not by other possible means be cleared, and justice executed: [o] and 2: it must be in a necessary, weighty and great cause.

[n] Thomas 22. Quæst. 8. Art. 4 Selnec. parte 1. pædag. p 75. [o] Martyr. in Loc. com. p. 240. LL. minime peccat.

1. For the last *Article* in the *Covenant* which is indeed the plainest and clearest of all, and concerns personall Reformation; howsoever I grant every wicked man should repent and amend his life, yet I deny that the Civill Magistrate hath any Authority to make him swear, that he shall become a spirituall and religious man: there are many things both civill and divine which men ought to do, yet there is no warrant for the Magistrate that he shall by oath compell them thereunto: newnesse of life is a supernaturall thing, and onely by the Spirit of God wrought in us, and therefore the lesse reason to put a poore ignorant soul to his oath that he shall do it. *What hast thou to do* (saith the [p] *Psalmist*) *that thou shouldst take my Covenant in thy mouth, and hatest to be reformed?* Mr. *Bakewell* speaking of such men as may lawfully take an oath, describes them thus: [q] *He that sweareth ought to see in his own conscience that he is fit to take an oath, and thereby to worship and glorifie God: for he that sweareth aright, ought to have his heart smitten with fear and awe towards God, as in all the parts of his worship: and therefore a prophane man that hath no fear of God in his heart, ought not to swear.* So he.

[p] Psal 50. [q] Mr. *Bakewel* against the Anabaptist.

To impose therefore such an Oath as this, upon three Kingdoms, and to have it taken by prophane men, who had no fear of God in them, and by such as it was well known before-hand would make no conscience of the Oath, but forswear themselves if they were put to it, let the Reader consider upon what ground (whether pious or politick) the businesse was taken up and carried on. [r] *Qui juramentum a malo viro postulat insanus est*, saith *Apollodorus*.

[r] Henr. Velsten Pol. decad. 6. Qu 9 p 192.

He

He ſhews himſelf a mad man that would have a wicked man to ſwear: he means when he knows before-hand that he will forſwear himſelf.

2. Howſoever there be ſome reaſon to think, that the *Scots* (at leaſt many of them) meant indeed as they ſwore, to maintain & preſerve *the worſhip and diſcipline of their own Kirk: and to endeavour the extirpation of Prelacie.* Yet there is no reaſon that any man ſhould think, that the *Engliſh* and *Iriſh* conformable Proteſtants, generally ever meant to promote the one, and ſuppreſſe the other. Oh what a number both here and there took the glorious Name of God in vain, when they were compelled through fear, to ſwear againſt the Government by *Archbiſhops* and *Biſhops*: I confeſſe it was the leſſe binding, becauſe the Law ſaith, ſ *Promiſſio & juramentum ſine cauſa factum eſt inefficax.* Now certain it is, there was no cauſe, I mean neceſſarie, weightie, juſt, to require ſuch a thing: It is one thing for the Magiſtrate to put down a publick worſhip and Nationall Church Government, finding it unſafe or unwarrantable: and another thing to compell the whole Nation by oath, to conſent to it, and approve the ſame. t *Oleaſter*, obſerving how the Name of God is taken three wayes in vain, makes the ſecond to be thus: *In rem quam non intendis impleri*, upon a matter which thou doeſt not purpoſe to fulfill. They muſt needs be blinde, that did not fore-ſee, that many would forſwear themſelves, if they ſhould be put to ſwear againſt the Government by Biſhops; and therefore ſo much being fore-ſeen, it ſhewed the leſſe pitie and compaſſion to put it upon them.

ſ L. 11. Sect. circa de except. dolitetem.

t Oleaſter in Exod. 20. v. 7.

3. When one *malignant* ſware to diſcover another, and to bring forth his brother malignant unto condigne puniſhment: was not this to impoſe an oath upon one, of whom the impoſer could not poſſiblie but think that he would forſwear himſelf, and play the Fox?

*Aſtutam vipido geſtans ſub pectore vulpem,*
*Ore aliud retinens, aliud ſub pectore condens.*

Being a ſuttle Fox, under a ſtinking breaſt,
One thing in heart, another is expreſt.

*Auguſtine*

*Auguſtine* to this purpoſe ſpeaketh well: u *Qui hominem provocat ad jurationem, & ſcit eum falſum juraturum eſſe vincit homicidam, quia homicida corpus occiſurus eſt, ille animam; imo duas animas, & ejus animam quem jurare provocavit, & ſuam, &c. Ecce jurat, ecce perjurat, tu quid inveniſti, imo & tu periiſti qui de illius morte ſatiari voluiſti.* Whoſoever (ſaith he) provoketh another to ſwear, knowing that he will ſwear falſly, he is worſe then a murderer; becauſe a murderer killeth but the body, this the ſoul, yea two ſouls at once; his whom he provoketh to ſwear, and his own. Behold he ſweareth, forſweareth, and periſheth; and what haſt thou found thereby? yea thou haſt loſt thy ſelf, who wouldeſt no otherwiſe be ſatisfied but by his deſtruction. And in another place, x *He that inforceth one to ſwear whom he knoweth will ſwear falſly, is a murderer. Ille enim ſuo perjurio ſe interimit, ſed iſte manum interficientis preſſit & impreſſit. For he killeth himſelf with his perjurie, but the other thruſteth and helpeth forward the hand of the ſelf-murderer.*

u Auguſt: in decollatione Iohan. Bapt: & habetur 22. Q. 5, ille qui.

x Serm. de perjuriis.

I wiſh theſe places may be well conſidered: for ſo ſome men would the better ſee their own evils and ſins: The breach of the Covenant is much complained of: but upon whom doth the guilt chiefly lye? truly on the compoſers and promoters of it. y *The leaders of this people cauſe them to erre, and they that are led of them are deſtroyed.* If the matter of the Oath with the condition of the *Takers* be duely weighed, it could not otherwiſe be expected, but that the people for the moſt part would forſwear themſelves, if they ſhould be put to it. Now to conclude this point, what the Covenant is in a ſhort account I will here ſhew the Reader: it hath two parts, the one contains a number of uncertain, dark, doubtfull and ambiguous words, the meaning whereof no man knows, but like the Heathen Oracles may divers wayes be interpreted and taken: The other part contains ſome things ſo clear and manifeſt againſt moſt mens opinion, that it was altogether unſeaſonable at that time, (if it had been lawfull at ſome other time) to impoſe it: neither could the people then of this Land without ſinning againſt their conſcience ſwear to it.

y Iſa. 9. 16.

I shall onely now speak a few things to some objections, and so will end this present Discourse.

Object. 1. This *Covenant* by many godly and learned Divines, is much pleaded for, many places of Scriptures [a] cited in their Sermons pressing the carefull keeping thereof, a great deal of mourning in their Prayer at Fasts and other times, because it is neglected, and Gods judgements terriblie threatned against the whole Nation for it. In brief, as for themselves they say, [b] *Though some may esteeme it no more then an Almanack out of date, yet we look upon it as the Oath of God, religious, sacred, and inviolable, in whose Name we have sworn, and who will certainly require it at our hand. We know with what a jealous eye, and severe hand, the* c *Lord avenged the quarrell of his Covenant made by Zedekiah to the King of Babylon though extorted from him, and prejudiciall to him. We dare not therefore (when we have lift up our hands to the most high God) by the violation of a more righteous Oath provoke the wrath of the Lord against us, who is the searcher of all hearts, and to whom we must give an account at the great day.*

[a] Levit 26.25 Isa.24.5 and 33.8. Ier 11.10,11. & 34.18,19,20 Ezek 16.59. & 17 16.18, 19. Amos 1.9. Mal 2.10. Matth.5 33. Rom. 1.31.

[b] In th Ministers of London their Letter to his Excellencie p.6.

[c] Ezek.17.14, 15.18,19.

Answ. 1 When the *Protestant* deals with *Papists* against their humane inventions, and the *Puritan* against him, commonly use this argument as a full and solid refutation. [d] *Nos nova omnia quæ Christus non docuit jure damnamus, quia fidelibus Christus est: si ergo Christus non docuit quod docemus nos illud detestabile judicamus.* We justly condemne all new things which Christ hath not taught, because Christ is the way for faithfull men: If therefore Christ hath not taught what we teach, we hold it worthy to be detested. That this Covenant is *a new thing*, an *earthly creature*, not warranted by the Word of God, but sprung out of mans fooliſh brain, I have formerly proved at large: and so the same reason here is every way, and altogether as effectuall and forceable to condemne it.

[d] Ambr. de virg l.3.

2. What the opinion is of these learned and godly Divines touching an unlawfull Oath and Covenant, I know not; but this I know well, that men as learned and godly as they, teach that such ought to be broken, and not kept. * *Qui servat juramentum illicitum, bis peccat, semel male jurando,*

* Explicat. Catech. par.3. pa. 655.

&

& iterum male juratum servando, saith *Ursinus*. So e *Pareus*. * *Those Oaths are laudablie broken* (saith Mr. *Downam*) *which are unlawfully made.* And to this both f Lutherans and g Papists consent. *Philo* speaking of those Vows and Oaths whereby men binde themselves contrary to that which God hath commanded, thus writeth: h *Quasi non melius Deoq; gratius sit tale perjurium modo serventur leges, &c. As though* (saith he) *to forswear in such a case for the keeping of Gods Laws were not much better and more acceptable to God. For a man addeth sin to sin whilest he abuseth his oath; whereas he should rather forbear from evill doing. Let him therefore forbear, and humbly intreat God, that of his mercie he will pardon the unadvised rashnesse whereby he was led headlong to sweare: For to double the fault when thou mayest disburden thy self of the one half, is very great madnesse, and scarcely possible to be cured.* So he.

e Comment. in Matt. 14. 10.
* Four Treat. pag. 54.
f Chemnit. harm Evang. c. 74. p. 1071.
g Corn. A lapid: in Mat. c. 6. v 26
h Philo de leg. special.

2. Howsoever I hear these men professing *i not to be wanting in that ingenuity and candor which become the Ministers of Jesus Christ*; And among themselves to rise up and call one the other k *blessed*, and such as *make the glory of God, and the good of souls the mark they ayme at, in the course of their ministery: Men that will not suffer the sins of the times to be quiet, whose names are as precious oyntment poured forth, spreading the sweet savour of the knowledge of Christ in many places*, &c. Howsoever (I say) I hear them thus to say of themselves, and each of other; nevertheless if their sayings and doings about this Covenant be well observed, they will not appear to be such men in some things; but rather to hearten and harden sinners, pleading for the sin of the Nation, and keeping the people in their ignorance and error, that they should not return from their wicked way. And that this is so, thus I prove it.

i Letter to his Excell p. 1.
k Vindication Epistle.

1. By their abusing and misapplying the holy Scriptures: because the Word of God approves of just oaths, and reproves all breakers of lawfull Covenants, is this a good ground to justifie *the Solemn League and Covenant*, that it was *The Oath of God, religious, sacred*, &c. and the violation of it provokes the wrath of the Lord against the Land? Suppose a man should read these Texts, 1 *Cor.* 6. 10. *Jude* 8. 2 *Tim.*

2 *Tim.*3.2,3,13. *Ezek* 13.10. *Matth.*7. could he hence fairly gather, that Mr. *Jenkins*, Mr. *Love*, Mr. *Taylor*, &c. *are raylers, despisers of Government, traitors, heady, high minded, seducers, false prophets?* Every man would say, such an inference were to corrupt the Word of God, for the places prove no such thing against the men: but if they indeed were such men, and so much could be proved against them, they fall then under the censure and reproof of such Texts. And is the Word of God handled otherwise then so, when men are accused to be Covenant-breakers, and for-sworn, and thereby have highly displeased the Lord? And to prove this there is brought, *Ezek.* 17 14, 15, 11, 19. *Zech.*5. 4. 2 *Sam.*21.1,2,6. as if these places did prove their accusation and charge: Whereas there is nothing held forth in the Texts, but that for breaking lawfull Covenants, and for rash and sinfull oaths (as this was) a Nation may justly fear Gods displeasure: but not one word in reference to the *Nationall Oath*, as if God should be angry with this Nation for breaking it: That some Covenants have been religious, sacred, inviolable, we grant: and for the violation thereof God hath shewed his displeasure, this is true also: but doth this prove *ours* to be so? and for the breaking of it God will do so? Indeed hitherto it hath been in this manner and way proved: Such a Scripture-covenant was sacred and religious: *Ergo* ours: For breaking such an oath or league the Lord was angry, &c. *Ergo* he is displeased with this Nation for breaking theirs. But you will say this proves nothing; What? no proof? then hath not the *Covenant* to this day been proved lawfull; and if any one among them all (what ingenuitie and candor they professe to have) can yet prove it otherwise and better,

*Erit mihi magnus Apollo.*

2. For their complaints and groans on Fast dayes, and read commonly in their Pulpits before or after Sermon, because the *Covenant* is not kept: this *skuthropoi*, *sowre faced*, and covering the Altar with tears, with weeping and crying out, is a thing which the Lord regardeth not, nor receiveth

ceiveth it with good will at their hands: Are they not afraid to bring a corrupt thing before the Lord, and to ſpeak and plead for it? doth their heart never ſmite them for this? that is ſtrange, conſidering in that prayer which Chriſt hath left us to be a rule and platform of all our prayers, there is nothing for the juſtifying of the Covenant, but in every Petition ſomething clearly againſt it: As for example.

1. What more directly againſt the *hallowing of Gods Name?* then when men take his dreadfull and moſt glorious Name in vain, by ſwearing neither in righteouſneſſe, in truth, nor in judgement: For this I refer the Reader to what hath been ſaid, *pa.* 9. to 18.

2. What is a greater impediment unto the *coming of Gods kingdom* then that, which [l] ſtops the Goſpel, whereby all the elect may be truly converted: ſuffers not Churches to be [m] gathered and conſtituted according to the pattern of the New Teſtament: nor that [n] Chriſt as King, Prieſt and Prophet may exerciſe power and authoritie onely in Sion: permits not the [o] whole counſell of God to be freely and truly taught, and all inventions and traditions of men powerfully confuted? nor the [p] Sacraments which are the ſeals of Gods promiſe, adminiſtred and received in that puritie and ſinceritie as by Chriſt is preſcribed? nor the [q] cenſures of the Church to be executed according to the Apoſtolicall Inſtitution? yet all this, doth the *Covenant* as the great ſticklers for it, expound ſome part of it.

[l] 2 Theſ. 3. 1, 2. Act. 13. 46.
[m] 1 Chron. 28 12.
Hebr. 3. 2. Iſa 35. 8.
[n] Pſal. 2. 8. Col 1 18.
[o] Mat. 28. ult.
[p] Mat. 28. 19. 1 Cor. 11 28. Matt. 7. 6.
[q] 1 Cor. 5. 4, 5. &c.

3. Is there any thing more obvious and apparent againſt the *doing of Gods will*, then to oblige men by oath not to do their duty, and the very thing which God requireth of them? which is, [r] *Whoſo ſheddeth mans blood, by man ſhall his blood be ſhed*: yet this [ſ] (ſome ſay) the Oath prohibiteth.

[r] Gen. 9. 6.
[ſ] Letter to his Excellencie, pa. 6. Vindication of the Miniſters of London. pa. 28.

4. Is not this againſt *aſking our daily bread?* when men ſhall be reſtrained from preſerving their bodily life by lawful and good means, unleſſe they will ſwear to ſuch things as they know not what they are? or taking them to be unlawfull will ſwear againſt their conſcience. For this ſee pag. 16.

5. When we ask forgiveneſſe of ſins, and yet take the Covenant, what is this but a mocking of God? it being a ſin, and unlawfull ſo to do.

6. When we deſire the Lord, that we may not be given over to the temptation of the devill, the world, or our own luſt, as to be overcome thereof: but contrariwiſe that the Lord will ſtrengthen us againſt all aſſaults of everie enemie, and grant us ſuch holy means as may further us in our true obedience towards him? 'tis no otherwiſe then to aſk power and grace to refuſe the Covenant.

7. And in the laſt place, when we entreat the Lord to ſet us free from the power of Satan, and from all the policies and deceit which he exerciſeth againſt the ſoul for its ruin and deſtruction, either by proſperitie or adverſitie; and that he will give us ſtrength to overcome all corrupt affections, and preſerve us in well doing to the end: here we deſire, that we may not fall into the evill of the Covenant: or if fallen, that God will take us out of the evill of it, and keep us that we do ſo no more.

This being ſo, my deſire and prayer to God is, that all people in all places may take warning, that under a ſad countenance, long prayer, great crying, deep ſighing, and ſome tears they be not begoiled, and (like the ſimple who beleeves every thing) brought in to ſay *Amen* to a *lye*, and ſo offer the ſacrifice of fools.

3. From this *root of bitterneſſe*, ſome have taken occaſion to vomit out their own ſhame, againſt Authoritie: And as *Abſolom* by ſlandering his Fathers government, ſought to ſteal away the hearts of the people, and make rebellion: ſo theſe caſting aſperſion upon the ſupreme Magiſtrates of the Land, charging them with *Covenant breaking*, periurie, &c. would have all people (like themſelves) diſaffected to them and their proceedings.

But mark (Reader) their unfaithfulneſſe and falacie: for their ground-work the *Covenant* is laid, and ſome *Parliament Ordinances*, and hence they raiſe their invectives and bold charges againſt the State. Now was it ever before known, that men who *make the glory of God and the good*

of

*of ſouls the mark they ayme at in the courſe of their miniſterie, and will not ſuffer the ſins of the times quiet*, to build upon ſo ſandy, uncertain and weak ground? Men of ingenuitie and candor formerly, would not durſt to have charged their equals, no not their inferiors with any ſmall crime, much leſſe their ſuperiors with murder, treaſon, oppreſſion, injuſtice, &c. without clear and apparent proof; and ſhewed what Commandment and Law of Chriſt they had broken, not fetch their proof either from anothers weakneſſe and failing, or from an abſurd and falſe conceit of their own. Suppoſe by the *Covenant* the King was not to ſuffer, Presbyterie to be ſetled, and all others otherwiſe minded not be tolerated: yet this will not follow, that the Parliament having ſince done otherwiſe, they have therefore done unjuſtly, and ſinned againſt the Lord.

I obſerve this the rather, becauſe in that book lately come forth, entitled, *A Vindication of the London Miniſters*, &c. the Author ſhews him *an evill worker*, in abuſing the Reader: for howſoever he chargeth the Parliament with many vile things, nevertheleſſe ſhews not at all wherein they have acted againſt the Law of God, of Nations, Nature, or pure reaſon, onely objecteth the *Proteſtation*, the *Nationall Covenant*, and ſome *Collections of Parliament*, as if this were enough to prove them ſo, and himſelf no falſe accuſer.

Object. 2. [f] *You have an example of Gods ſevere judgement for the violation of an Oath in Saul: ſo* Zedekiah *for breaking the Covenant made to the King of Babylon was extreamly puniſhed.*

*Anſ.* 1. Howſoever the *Gibeonites* were a people formerly accurſed, and fallaciouſly procured a Covenant from *Joſhua*: yet that Covenant was lawful. [t] *Joſuem juſſu Domini feciſſe quod fecit* (ſaith *Lavater*) and proves in the ſame place by two reaſons, that the Lord approved that Covenant. Beſides it appears by ſeverall Scriptures, that they onely of the *Canaanites* were devoted to deſtruction who would not ſeek for peace; for if they ſued for it, it was to be granted them: ſo [x] *Junius, Pet. Martyr*, and others, &c. And the *few Doctors* thus underſtand it, as [y] Mr. *Ainſworth* notes.

2. That

[f] Letter of the London Miniſters to his Excell: pag. 11 6.
[t] Lavat. in lib. Joſuæ, c. 9. hom. 39. p. 42.
[u] Judg. 2. 12. 14. 2 Sam. 21. 1, 2. 9. 14. 1 King. 9. 20.
[x] In Deut. 20. n. 4. In Joſ. 9. n. 9.
[y] Annot: on Deut. 20. 16.

2. That the Covenant made by *Zedekiah* to the King of *Babylon was extorted from him, and prejudiciall to him*, 'tis the *Petitioners* own gloſſe, the hiſtory ſhews no ſuch thing: But let that paſſe; ſure I am the Covenant was lawfull. For, 1. *Nebuchad-nezzar* [a] *made him King*. 2. The Lord cals it, [b] *his Covenant*; and breaking it, *a treſpaſſe that he had treſpaſſed against him*. 3. He was by the Prophet *Jeremie* counſelled to keep his Oath; and doing otherwiſe, threatned by him and *Ezekiel* (for his perjurie, infidelitie and rebellion) to be ſeverely puniſhed. So then this is the cloſe, when *the London Miniſters* ſhall prove, that the *Parliament and people of England, obliging themſelves by oath not to put their King to death, what murther and miſchief ſoever he ſhould commit, doing ſo, make as juſt and lawfull a Covenant as *Joſhua* made with the *Gibeonites*, and *Zedekiah* with the King of *Babylon*, and are bound as ſtrictly to keep it: it ſhall be acknowledged that theſe examples ſpeak ſomething to the matter they are brought for: but till then, they muſt be contented to lye under the juſt cenſure of perverting and wreſting the Scripture.

a 2 Chron. 36. 10.

b Ezek. 17. 19, 20.

* See a book entitled, *Juſtice Advanced*, wherein the Parliaments proceeding againſt the King is juſtified by Scripture, Law and Reaſon.

*Queſt:* 3. But may not the Civill Magiſtrate taking the counſell and conſent of a *Synod*, or *Aſſemblie of Divines*, ſet down what doctrine, worſhip, and Church diſcipline ſhall be extirpated, and not tolerated or ſuffered: and what ſhall be eſtabliſhed and maintained through the Nation, and then require all the people of the Land, therein to joyn with them, and by Vow and Oath to promiſe ſo much, and in caſe any refuſe, to ſuffer for it.

*Anſw:* Howſoever this work properly belongs to the *partie intereſted*, and for them to prove the lawfulneſſe of it: yet ſeeing here, they are altogether ſilent, I ſhall ſpeak thus far to the objection. That it becomes not the Magiſtrate ſo to do, neither hath he any warrant or calling for ſuch a practice, thus I manifeſt.

1. For doctrine, worſhip, and ſuch things, as they are ſpirituall, and concern the inward man, ſo it is God alone who carries forth the work in him, and for him; ſhews him by his Word what he ſhould embrace, and what refuſe,

fuſe, and helps him by his Spirit when his time and pleaſure is accordingly in it. And this in Scripture is every where ſhewed, that there is c *no humane power of coertion* called for here, the Magiſtrate is to leave the Lord to perſwade the heart. Compare theſe Scriptures. *Pſal.* 110.2. *Act.* 2.41. 1 *Cor.* 7. 22. 2 *Cor.* 1.24. *Rom.* 14.23. 1 *Joh.* 4.1. 1 *Theſ.* 5. 21. *Joh.* 18.36. *Act.* 4.17.20. *Rev.* 18.4. 2 *Cor.* 5.14.20. 2 *Cor.* 10.3,4,5. *Rom.* 10.17. 2 *Tim.* 3. 5. *Prov.* 30.6. *Rev.* 22.8. *Matt.* 28.20. *Act.* 18.15.28. *Joh.* 6.44. *Matt.* 16.17. *Epheſ.* 4.11,12,13 *Mat.* 17.5. 1 *Cor.* 3.6. 2 *Tim.* 2.25,26. 1 *Cor.* 9.20,21,22.

c See a Declar. of the Parl. in Anſw: to the Scots Commiſ. pag 16.

2. To binde a Nation by oath to ſuch a practice, ſhews the Impoſers to be either abſurd, or uncharitable, or tyrannicall. 1. Abſurd and irrationable, if they ſhould think the people generally in a capacitie to take ſuch an Oath: Or 2. Suppoſing otherwiſe, then uncharitable to compell any unto it againſt their conſcience. Or 3. If they ſhould think that ſome would not ſwear leſt they ſhould forſwear themſelves, then cruell and tyrannous to require ſuch a thing at their hands; and refuſing it, to puniſh them for it.

3. I confeſſe we read in humane Hiſtories, that among the Gentiles it was enacted, that no worſhip ſhould be admitted, no Religion exerciſed, but what received *Eſtabliſhment* and approbation from them who ſuppoſed themſelves to be intruſted with *Authority* over men in ſuch things: And their Reaſons for it were; partly becauſe ſundrie wayes of worſhip, and ſeverall religions d tends to the diſturbance of the Commonwealth, and that civill ſociety which men under the ſame government do, and ought to enjoy: And partly becauſe the Gods whom they owned and worſhipped were diſhonoured and provoked to plague them. And having thus made a Law, and ſupported with ſuch reaſons as theſe, they proceeded to the execution of the penalty of that Law, as unto baniſhment, impriſonment, burning, drowning, torturing in ſundry kinds according to the pleaſure of the Judges: Tis true this the Heathen did, and this e power of the *Dragon* was given over to the *Beaſt* and *falſe Prophet*, and to this day many walk in the ſame paths with them. But I do not read where a Covenant was to be taken, and men enjoyned to ſwear unto their worſhip and religion

d Suos deos, aut novos aut alienigenas colitu ſ contuſionem h. et Cicero li. 2 de legibus.

e Rev. 13. 16, 17.

religion, and to ſuffer puniſhment if they ſhould refuſe: ſuch a practiſe for ought I know, was not once named among the Gentiles; darkneſſe it ſeems had not ſo overtaken them as to act ſo unreaſonablie.

4. Seeing the *Church of England* reſolveth, that all Councels, and Synods, whether Provinciall, Nationall or Oecumenicall, f *they may erre, and have erred in things pertaining to God.* And the ſame profeſſed by all Proteſtant Churches: I would know, what reaſon and ground the Magiſtrate hath to ſwear himſelf, much leſſe to force another by oath to embrace, without all doubt and ſuſpicion of error (for ſo it is preſuppoſed he doth when he ſwears) any conſtitutions of men? Me thinks it is no fair dealing of Miniſters, to tel the people, *Synods and Aſſemblie of Divines may erre*, and yet to thruſt upon them their decrees and deviſes in ſuch a way, as if they were Apoſtolicall and infallible, and could not erre.

f Article 21.

5. Not onely is this putting of men to oaths and vows in points of Religion contrary to Goſpel way, rule and walking, but a ſubtle ſtratagem and plot uſed by Hereticks, Idolaters, and ſuch vile wretches, the better to promote and advance, their errors, lyes & blaſphemous tenets. Of *Novatianus* it is reported, that g *before he would give the Sacrament, he cauſed his Adherents to put their hands betwixt his and to ſwear by the body & blood of the Lord they would not forſake him, and turn to Cornelius.* And did not the Prelates uſually make their Clergie and others to ſwear Canonicall obedience to their *Articles, Injunctions, Canons*? and why was it? but to uphold their ſuperſtition and falſe worſhip, and to hinder the power of godlineſſe? One would have thought that the perillous Oath which the *Biſhops* made them to take, and the trouble of ſpirit which ſome of them ever had for it, would have made them for the time to come, more carefull and tender hearted, and not again have run themſelves, and forced others, into the like ſnare and danger.

g Baron Annal: Tom: 2. an 254. nu: 75. Col. 504.

To conclude all, ſeeing it hath been proved, that the Covenant both given and taken was unlawful, whoſoever therfore hath had a hand either way in it, he ought to repent truly of it: and by this take warning, and learn h *to fear this glorious and fearfull Name,* JEHOVAH THY GOD.

h Deut. 28. 58.

FINIS.

MUSEUM

# AN AGREEMENT OF THE Free People of England.

## Tendered as a *Peace-Offering* to this distressed *Nation*.

BY

Lieutenant Colonel *John Lilburne*, Master *William Walwyn*, Master *Thomas Prince*, and Master *Richard Overton*, Prisoners in the Tower of *London*, *May* the 1. 1649.

Matth. 5. verse 9. *Blessed are the Peace-makers for they shall be called the children of God.*

### A Preparative to all sorts of people.

IF afflictions make men wise, and wisdom direct to happinesse, then certainly this Nation is not far from such a degree thereof, as may compare if not far exceed, any part of the world having for some yeares by-past, drunk deep of the Cup of misery and sorrow. We blesse God our consciences are cleer from adding affliction to affliction, having ever laboured from the beginning of our publick distractions, to compose and reconcile them: & should esteem it the Crown of all our temporal felicity that yet we might be instrumentall in procuring the peace and prosperity of this Common-wealth the land of our Nativity.

And therefore according to our promise in our late *Manifestation* of the 14 of *April* 1649. (being perswaded of the necessitie and justnesse thereof) as a *Peace-Offering* to the Free people of this Nation, we tender this ensuing Agreement, not knowing any more effectuall meanes to put a finall period to all our feares and troubles.